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REPORT

OF THE

INDUSTRIAL COMMISSION

ON THE RELATIONS AND CONDITIONS OF

CAPITAL AND LABOR

EMPLOYED IN THE

MINING INDUSTRY,

INCLUDING

TESTIMONY, REVIEW OF EVIDENCE, AND TOPICAL DIGEST.

VOLUME XII

OF THE COMMISSION'S REPORTS.

WASHINGTON:
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1901.

TESTIMONY.

INDUSTRIAL COMMISSION.

THE MINING INDUSTRIES.

TOPICAL PLAN OF INQUIRY OF SUBCOMMISSION ON MINING.

[The term "mining," as used in this topical plan of inquiry, includes coal, iron, petroleum, precious metals, and all other mineral products.]

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WASHINGTON, *April 10, 1899.*

TESTIMONY OF MR. NEIL ROBINSON,

Coal-mine operator, Charleston, W. Va.

The Industrial Commission met at 10.30 a. m., Vice-Chairman Phillips presiding. Mr. Neil Robinson, mine operator, of Charleston, W. Va., whose place of business is Coalburg, W. Va., testified. The topical plan of inquiry on mining was followed.

Q. (By Mr. RATCHFORD.) How long have you been engaged in the mining of coal?—A. It lacks but a few months of a quarter of a century—twenty-five years next September.

Q. Have your operations during that time been confined to the State of West Virginia?—A. Yes.

Q. What is the character of the coal you have been mining during that time?—A. Two grades, one of which is known as splint or domestic coal and the other a soft coal for steam purposes.

Q. What are the principal markets which your coal enters?—A. The principal market has been in the West, although our shipments have been considerable to the East, the Virginias, some to the Carolinas, New York, and New England ports. Perhaps two-thirds has gone west, to Cincinnati and central Kentucky.

Q. Do you ship a good deal by river?—A. Yes.

Q. Does it go into the Southern markets?—A. Not beyond Cincinnati.

Q. Please reply to questions under Part II of inquiry: "Comparative earnings of capital invested in mining."—A. The proposition is rather a difficult one to answer with any degree of satisfaction. I looked at the question before coming on; to answer it properly would involve a strict and careful comparison, so far as my own information would go, with the various lines of industry that are represented in question 44. Generally speaking, the mining industry in the section with which I am most familiar has not been so successful from a money-making standpoint as banking, real estate, or the mercantile business.

Q. Has the percentage of failures been greater in the business in which you are engaged than in the other classes of business referred to?—A. Yes; for with a few exceptions there has not been a mine in the Kanawha district that has not passed through two or three and sometimes four hands, as the result of failures. The New River district has been more fortunate in that respect. In justice to the industry, I think it is no more than right and proper to say that quite a large percentage of the failures in the field may be attributed to ignorance or want of experience on the part of those in charge. There are, of course, a great many vicissitudes in the coal-mining business, in opportunities to work, in water in the river, shortage of cars, accidents, etc. Many of the mines have been started by men from other fields of labor, and who were not prepared to make proper allowances for the unknown.

Q. Have failures in the coal-mining business been brought about by producers in West Virginia endeavoring to extend their markets to competing fields?—A. I do not think any failures have resulted by reason of the efforts to extend trade.

Q. Is it a fact that the State of West Virginia has increased its production during the past six years more rapidly than any other coal-producing State of the Union?—A. That is my recollection of the figures. I think our tonnage last year was something over 14,000,000—that is, for the State as a whole—making the State the third coal-producing State in the Union.

Q. "Effects of restrictive and other industrial legislation on the capital employed in mining in the several States and Territories."—A. In our own State,

at the present time, the restrictive laws are rather limited. I believe that several laws that were on the statute book, when tested before the courts, have been decided to be unconstitutional. One statute that came before the court of appeals received the vote of two judges as being constitutional, and two as unconstitutional, leaving undisturbed a decision by a judge in one county against the law and the decision of the judge in the adjoining county in support of the law. So far as West Virginia is concerned, restrictive laws are limited.

Q. To what do you refer?—A. To the screen law, I believe.

Q. "Discrimination in freight rates; effects of, on capital, on labor, and on localities."—A. The operators, almost without exception, are opposed to discrimination in freight rates; they want an open rate, a fair field, and no favor. Whenever there has been discrimination, as a rule it has resulted in an injury to the district. Discrimination has been made to enable one mine operator to put his coal in the market at a less rate than another. The sufferer will struggle along and endeavor to meet competition, perhaps by retrenchment in wages, or be compelled to stand a shortage in work. If the conditions are known, as they should be, then a man going into business can estimate in advance just what he can do; figure the cost of his coal, and know whether he can afford to go into the business or not. It is no more than right and just that freight rates should be uniform.

Q. Has this discrimination been practiced in your State to any extent?—A. The testimony of Mr. Ingalls, before the Interstate Commerce Commission some months ago, was very clear to the effect that there had been discrimination up to that time, but Mr. Ingalls stated on the stand that there would be no further discrimination and we have no reason to believe he has violated his promise since.

Q. (By Mr. C. J. HARRIS.) Do any railroads own coal mines of their own?—A. The Chesapeake and Ohio does not; none of the roads I am familiar with own mining property.

Q. Do some of the railroad men own coal mines?—A. I only know from hearsay; I know Mr. Elkins is president of a railroad, and at the same time is president of some companies that are interested in mining; but that is in an entirely different district from ours, and one I know of incidentally only.

Q. Was there a complaint among the coal miners along these roads of being unable to compete with those mines owned by the parties who owned railroads?—A. That I do not know, because they are a long distance away from us.

Q. (By Mr. SMYTH.) Are they competitors with you in the market?—A. Not directly.

Q. (By Mr. C. J. HARRIS.) Where do you ship your product?—A. Most of it goes to the West.

Q. (By Mr. RATCHFORD.) Have you any knowledge of discrimination being practiced by any railroad?—A. None whatever; neither directly nor indirectly.

Q. (By Mr. SMYTH.) Is there discrimination with reference to the supply of freight cars?—A. None whatever, to my knowledge.

Q. Are the facilities the same to all points?—A. The cars are distributed equitably, so far as we can tell.

Q. Have you but one road at your mines, or have you competition?—A. We have competition by water. Nearly all the mines in the Kanawha district have loading "tipples" on the Great Kanawha River, which has been improved by the Government with a system of locks and dams. We have, perhaps, an average of 6 feet of water the year round.

Q. Are your rates based on water competition?—A. Necessarily.

Q. Does that apply only to the West?—A. Yes.

Q. (By Mr. RATCHFORD.) Have you any knowledge of any railroads in your State encouraging operators to open mines, perhaps, on their line of railroads, and agreeing with such mine operators to handle their product at a certain price?—A. No. I have heard suggestions and surmises of a character similar to that from time to time, but whether there is any truth in them is a matter known only to those parties most interested, but there is nothing of that kind to my knowledge.

Q. Do you think the best results would accrue to all interested and to the public generally by having railroad companies advertise their freight rates, and charge their advertised rate in all cases, measured by the distance which the freight is hauled?—A. I am not prepared to say it should be measured by the distance hauled. There should be an open rate, adjusted for competitive districts, but it would be hardly fair and proper to place it on a mileage basis.

Q. Will you state why?—A. For instance, from some States a railroad may be handicapped by perhaps an extra fifty or one hundred miles of a haul to a market. It has been the experience of most roads, where they have a long haul, that the

matter of forty or fifty miles does not make much difference; the percentage is so small that it makes very little difference; and if they choose to go in and handle the tonnage at a little less profit than another road, there is no reason why it should not be done. The public would be benefited by having two or three roads carrying into the same field. You make a mileage basis and every extra mile of distance is a handicap, and competition, of course, is checked.

Q. Would the cost of transportation in the case of a long haul be a little additional?—A. Undoubtedly.

Q. Do you believe you ought to pay that additional?—A. I do not.

Q. Do you believe the product of an operator ought to be handled and shipped for the same price, even though he is fifty miles farther from the market?—A. It is a railroad proposition, of course, and it is optional with them whether they choose to haul coal 500 miles for the same rate paid another railroad for hauling 450 miles. Then the mere matter of mileage does not always express the true condition. The grades to be overcome and the number of tons that can be handled by each train are to be considered as well as mileage.

Q. Do you believe that a shipper who is 50 or 60 miles farther from the market than his competitor should have his product shipped at the same flat price?—A. Except for local trade, where distances are short, I think that the rate should be the same from competing districts. I take it the commission wants to look at the matter in the broader term. For instance, take the Chicago market; there are a number of roads now carrying coal from east of the Ohio River—the Pennsylvania system, Baltimore and Ohio, the Chesapeake and Ohio, the Norfolk and Western and its connections. If you adopt a mileage basis straight through, the coal will come into Chicago from the road that has the shortest haul.

Q. Does that system encourage the shipment of coal into other than their natural markets?—A. No; I think not. It is, of course, optional with the railroad whether they choose to name a rate for a given point to meet a competitive rate. It is not a mining proposition at all.

Q. "The closing of mines in localities; causes, natural and artificial."—A. I do not know any mines that have been closed for artificial reasons; by artificial, I assume you mean mines that have been closed by "dead renting." The only mines in the Kanawha and New River districts that have been closed within my recollection have been closed by reason of the inherent defects in the mines proper, or exhaustion.

Q. Division II, "The present conditions of mining." "Concentration and consolidation: Its effects on prices and profits; on wages and employment; on smaller enterprises; on business competition; on production." What can you state to the commission under that topic?—A. So far as I understand it, concentration and consolidation have been brought about in numerous instances for the purpose of reducing the expenses, and also the marketing expenses; in other words, to place business on a footing where it would not be necessary to have two men to do one man's work.

Q. Do you think its chief object is its effects on prices and profits?—A. Its effects on profits should be marked, of course, because wherever you can reduce supervision expenses there is a gain. The labor affected most in these consolidations has been that of the operators themselves, their bookkeepers, storekeepers, and, as a rule, officials.

Q. What are its effect on wages and employment?—A. I think that the effect on wages and employment would really be a betterment.

Q. You are speaking of the general run of employees?—A. There is no disposition on the part of the operators to reduce the wages of their employees; they would rather pay them more than less if it could be done, and within my own recollection of 25 years I do not know of a single instance when labor has been reduced in wage as a measure of profit; it has been reduced as a measure of necessity. There have been competitive conditions at times that have forced mines to economize and cut down the initial cost of their product and they have had to call upon their men to help them; but in each instance the condition of the markets has been well known to the men, and I think in almost every instance when a difficulty of that kind has arisen the men have realized and acceded to the necessity of the call.

Q. (By Mr. SMYTH.) Do you think consolidation has tended to make employment more regular?—A. I think it will make it more regular.

Q. (By Mr. RATCHFORD.) Where operators find it necessary to reduce wages from necessity, are their profits reduced proportionately?—A. Yes.

Q. Are you familiar with the history of the late national strike among miners?—A. Only to a partial extent.

Q. Are you familiar with the causes that led to that strike?—A. Probably not as well as yourself.

Q. Were the reductions in wages that led to that strike a necessity?—A. I do not believe I ever fully understood that strike. I looked upon it at the time more as the result of a general demoralization of the markets; prices had been going down for a number of years; there had been more or less interruption to work, and as a general proposition, when men are thrown out of employment, when they are idle, they naturally become restless and seek for a cause to counteract their troubles, and it generally results in a strike.

Q. Are you familiar with the prices that ruled in many of the competing districts before and at the close of the strike?—A. Not to the extent of being a valuable witness, from the fact that our sales are all f. o. b. cars at the mines, and for a long time there were certain conditions in regard to transportation rates known to exist that made market rates rather an uncertain question. I never felt I had exact information as to what coals were netting in Chicago or in distant markets at all.

Q. Is it true that when the wages of the workingman are the highest the operators are making the greatest profits?—A. It has been my experience that at the times when we paid the most wages we have had the best results, but what might be called an exceptional high wage as a rule has been limited to periods of ice in the river or the enhancement of coal values by some unusual causes.

Q. (By Mr. C. J. HARRIS.) Can you pay for shipping to Chicago and compete with coals that are mined much nearer and with much less freight rate?—A. Yes; to some extent.

Q. Would you have to produce your coals for less than operators nearer the market?—A. There is quite a difference in the coals, and quite a difference in their actual value for fuel purposes.

Q. Unless your coals were better could you compete with any near-by mines?—A. We could not compete at all. There are coals coming from other States that will perform work that these Illinois coals will not perform.

Q. The wages you pay must be regulated to a certain extent by your competition?—A. Naturally.

Q. Why do you say the best results and greatest profits are made while you are paying the highest prices to miners?—A. I explained that in saying that exceptionally high prices were the result of exceptional conditions.

Q. (By Mr. RATCHFORD.) Did coal operators receive better returns for their capital fifteen or twenty years ago, at the higher mining price, than since that time?—A. My recollection is that the mining rates during the last ten or fifteen years have not been changed very materially in our district. The price has varied, of course, but I think that there is only about one-fourth of a cent variation between the present price and the prices of 1882, 1883, and 1884. Without referring to my labor list, I would not undertake to be at all certain about it. I have no data with me. I have not looked it up for a long time.

Q. What are the effects of such consolidation on smaller enterprises, on business competition, on production?—A. In our district the effect of the consolidation which was made some time ago is in the interest of the smaller enterprises. Our consolidation, and the only one with which I am at all familiar, was simply one for marketing the coal—handling it through one common agency—and in the plan as adopted, each mine making an application to the association for membership was allowed to come in and share orders and cars pro rata without any discrimination whatever. The smaller mines under ordinary circumstances would be crowded out in the general struggle. As it is in the Chesapeake and Ohio Coal Association, the smallest shipper has an equal voice with the heaviest, and if he has a capacity for 4 cars a day and his neighbor has a capacity for 20, and 12 cars come into the district, he gets 2 cars, while his big competitor gets 10; it is founded on absolutely fair and just lines. There has been no suggestion as to restriction in production. We find as a general proposition that we are restricted by reason of ice in the river, low water, high water, or scarcity of cars, without restricting output by regulation.

Q. (By Mr. SMYTH.) Can you tell us the amount of capital invested in the coal-mining industry in West Virginia?—A. I can not; in the Kanawha district, I presume about a million and a half. That does not include land that is held and undeveloped—in the New River district about three and a half millions in active properties.

Q. Have companies much capitalization?—A. No; with two or three exceptions. There is one company that has a capitalization of $450,000, and another $500,000, or something like that.

Q. Have they different classes of this stock; common, or preferred, or any bonds?—A. Not as a rule; most of the companies in Kanawha and New River districts are operated by resident owners. I think there are perhaps three or four

mines that have what might be called nonresident ownership. One of the mines is owned in Philadelphia; another mine is owned very largely in England; another in New York, and another in Pennsylvania; but there are seventy or eighty mines there, and those are about the only exceptions that occur to me at the present time.

Q. Are they generally owned by corporations or by individuals?—A. Both.

Q. Do you think there is any overcapitalization—watered stock?—A. I have never known of any stock being on the matket at all. Where companies have been organized, it has generally been where two or three partners in the business have organized in order to get the stock in such shape that, in the event of the death of one person, it would not affect the survivors.

Q. (By Mr. NORTH.) Has much capital been lost in mining?—A. The losses have been quite heavy, running over quite a period of years.

Q. What causes induce coal combinations and what object is sought by them?—A. I would have to deal, of course, with the only association with which I am at all familiar. We have found that there are in the Kanawha district quite a large number of mines, and they have been buffeted about by the buyers, some one mine being used against another to cut the rates and reduce the values constantly. At the same time each mine was employing an agent in the field, and if the operator himself was not reckless, in all probability his agent would be They are pretty hard to hold down. They tell them to sell their product at certain prices, and the first thing you know they have cut it, and the agent of another man comes and makes a further reduction. A mine was at the expense of sending men to Cincinnati, Chicago, to central Kentucky, and to the East seeking for trade, and as a matter of course that mine was under very heavy expense. With the trade scattered from Old Virginia and Carolina in the East to Chicago and the West, it was simply impossible for any single man to keep thoroughly posted. You would think you had a good customer, and find out he was not; so that the losses in that direction meant quite a good deal. To reduce all these useless expenses we organized the Chesapeake and Ohio Coal Association, employed an agent to sell our product in the Western markets, giving him the control of the coal that went west of the mines, except such as was carried by water, and this agent brought enough capital into the business to insure prompt payment on the 20th or 23d of each month to the various companies for all of the shipments of the preceding month.

Q. (By Mr. PHILLIPS.) Does he furnish that capital, or is it furnished by your association?—A. He furnishes the capital from his own resources.

Q. (By Mr. SMYTH.) Does your association regulate the rate of wages?—A. Not at all; because our association consists of the agreement between the operators and what is known as the C. & O. Fuel Company, and the association has reference solely and entirely to the marketing of the product, and wages and wage questions do not enter into it, either directly or indirectly, in any way, shape, or form.

Q. Are those matters decided by each individual?—A. Yes.

Q. (By Mr. RATCHFORD.) Is the association you have referred to purely a selling agency?—A. Yes.

Q. (By Mr. NORTH.) How much have you been able to save in your selling expenses as a result of this combination?—A. The sales agency handled from our mines last year about 600,000 tons, and I think it is safe to say that there was a resulting saving of from 2 to 3 cents a ton. That is purely an estimate offband, without going into details, which would be a difficult matter to do, of course.

Q. (By Mr. RATCHFORD.) Will you supply this commission with a copy of the rules of that association?—A. Yes. There would be no authority to enforce. It would be a matter of agreement and contract as between the fuel company, the selling agency, and the men. In case of a breach of contract their recourse would be a suit in equity.

Q. (By Mr. NORTH.) Have you had such a suit?—A. No.

Q. (By Mr. C. J. HARRIS.) Is there any machinery used in your district?—A. Yes; quite a good deal.

Q. (By Mr. RATCHFORD.) What proportion of the coal of your district is mined by machinery?—A. I called at the chief mine inspector's office a few days ago to look that question up. I called three or four times, but found he was out of his office, and I was unable to obtain it. It is given in the chief mine inspector's official reports from the various mines.

Q. (By Mr. SMYTH.) Do you think it is mined cheaper by machinery than hand labor?—A. I think there is some economy in it, though not as great as the gentlemen who are selling the electrical machines probably would lead an operator to believe. There is one advantage in the introduction of machinery that I think

has more to do with its use than almost anything else, and that is a little better ability to control production. It very often happens if you engage a man for a day's work that he will go in and do that day's work faithfully and well, being paid by the day; but if you put that same man out to do a certain amount of work for himself, by the ton or by the bushel, as the case may be, he may get a little bit tired in the middle of the day and will drop out and stay away when he would not give up a regular position; and very often when you have a lot of cars on your track and a lot of orders you want filled the men may be out, when mining by the ton or bushel, and you can not get your output, whereas with machinery you generally can get enough men in to insure something like a production.

Q. (By Mr. RATCHFORD.) Do you believe that is an argument in favor of machinery?—A. It would be with me.

Q. Is the commission to understand from that that all the machine-mined coal is mined on a day-wage basis?—A. Not necessarily. Both rates are in vogue—with some it is per ton and with others per day.

Q. (By Mr. C. J. HARRIS.) What is the rate of wages in your section by the day?—A. It varies. I think it runs from about $1.50 to $1.81. Some classes of labor are paid $1.25, but most of it runs higher than that.

Q. (By Mr. RATCHFORD.) What is the class to which the higher wages are paid?—A. The cutters get more than that; I think their wages are about $2. But all that pertains to machinery can best be secured from someone who is engaged in that work.

Q. Capacity of the several mining industries in relation to consumption and existing markets?—A. I am inclined to believe that the mines that are now opened and developed have a capacity that is in excess of the annual consumption.

Q. How much in excess?—A. I would be almost afraid to venture to make an estimate on that. I should say, though, that it would run from 25 to 30 per cent.

Q. Are there authentic statistics on this matter?—A. I think so. I think some of the Government publications show it.

Q. According to your belief, is it 25 per cent?—A. I mean if all the mines that are opened and developed were kept in steady operation there would be an oversupply of coal on the markets.

Q. Are you speaking for the country at large?—A. For the United States. One corrective feature of that is going to be the exportation of coal, and I think it is only a question of a year or two until we will find our export trade is keeping pace with that of England.

Q. (By Mr. PHILLIPS.) To what countries chiefly is it exported?—A. Our exportations have been rather limited, but for perhaps 2 years now one American firm has had a salaried agent in Rio Janeiro, who has traveled along the Brazilian coast. The Commercial Museum of Philadelphia have had a number of interesting reports which they have obtained from correspondents and consuls in the Mediterranean ports; and I was noticing a short time ago that at Genoa there was less than a shilling difference between the delivery price of the Welsh and the coals from America. It is a field that has not been developed to any extent. Our people as a rule have limited themselves to their own home markets. Our coals are all high grade and will stand transportation.

Q. Is it chiefly soft coal that is exported?—A. Yes.

Q. (By Mr. SMYTH.) Are you hopeful then of that outlet?—A. Yes; feel very sure of it. You see we have coal here that can cross the equator without any danger whatever of spontaneous combustion, and they are coals that can be utilized for a variety of purposes when you get them to market—good for smithing and domestic use, and as a rule leave few ashes; and although you are buying coal three or four thousand miles away, 98 per cent of your purchase in weight is of value.

Q. (By Mr. NORTH.) At what point in Canada do your coals meet the Nova Scotia coals on a price level?—A. I am not at all familiar with that.

Q. There is some point, is there not?—A. Naturally there would be. Of course their outlet from the Nova Scotia fields is rather limited. My recollection is that there is only one line of railway leading from those fields across the peninsula.

Q. (By Mr. RATCHFORD.) How and to what extent is overproduction regulated?—A. The overproduction at the present time is not really regulated any more than the planting of wheat and cotton. In the coal mine it is just the same as it is in the cotton fields, sugar plantations, and wheat fields. Every farmer uses his own judgment about it, and goes to work and plants as he sees proper, and, as we all know, there are seasons when there is an excessive crop of hay, grain, wheat, and cotton, and the same rule applies to coal. In times of manufacturing depression of course there is a marked falling off in the consumption of coal.

Q. Is it true that the mines of your State are idle more than one-fourth of the time?—A. Counting it by week days I presume that it is. My recollection is that the mine inspector's report gave it as running from 197 to 229 work days average.

Q. (By Mr. PHILLIPS.) Is it a fact that there is a large amount of coal along the lines of railroads and waterways, thousands or hundreds of thousands of acres, that are not yet developed which could be operated cheaply?—A. In the State of West Virginia, and I think there are something like 16,000 square miles of territory underlaid with coal.

Q. (By Mr. NORTH.) Is it undeveloped?—A. Most of it. Of course a great deal of it disappears under water level or is practically inaccessible at the present time; but many of the streams cross the coal measures at an angle that opens up various seams. You could almost describe it as an inexhaustible supply.

Q. (By Mr. RATCHFORD.) If anyone of the competing fields works 50, 60, or 100 days more than any other competing field, is that an indication that the field working the greatest number of days has a competitive advantage over the others, and the one working the fewest number of days per year has a practical disadvantage?—A. The question is rather a broad and general one. There might be conditions existing in one district that would not exist in another in regard to the ability of the railroad company for instance to handle their product. On the line of the Chesapeake and Ohio there are times when they can handle much more coal and give the mines much more employment than they can at other seasons. I have known a number of instances where they have had quite heavy contracts to carry cotton to tide water, and the returning cotton cars would be at the disposal of the operators for west-bound loading. And there have been times when they were shipping grain and they would place the returning box cars at the disposal of the operators, and in that way they would be able to increase tonnage. In this last season there has been a shortage of cars almost continuously. For perhaps 4 or 5 months we have been losing time on account of the inability of the road to furnish us with transportation, so that the falling off of one district in reaching a competitive market might originate from a cause entirely foreign to the character of the coal or the right of the coal to get to that market.

Q. I do not refer to any particular market; I refer to the different coal fields.—A. My explanation would be applicable to almost any market, west or east.

Q. Do you believe that peculiar conditions have something to do with it?—A. I think they have almost everything to do with it.

Q. But when things are equal, or nearly so, is it a fact that the causes to which I have referred are indicative of an advantage in the field that works the greatest number of days?—A. The question almost answers itself; because a mine that can ship into a market more than competing mines naturally must have some advantage or it could not do it.

Q. What factors do you believe should be taken into account in determining the value of a ton of coal in the common market?—A. The general rule of determining a market and whether to go into it or not is based on a study of the conditions existing in that market. For instance, the town of A may have a coal field 100 miles from it, and another coal field may be 200 miles from it. The hundred-mile field has the market, or has had it heretofore. Perhaps you want to get into that market and get a share of the business. You go there and find what the market rates are; what it is paying. Then you study the character of the coals and see whether there is any difference in the actual heat-producing power of the two coals, whether your coal is worth more money at $1.50 than the other coal is at $1, and whether the consumer can afford to pay that extra price. Then it comes down to the question of the ability of the railway company to transport it the 200 miles at a living price, and if you can put it on board your cars at the mines at a living price and reach the market.

Q. Do you believe the earning capacity or the producing capacity of the workmen should be taken into account?—A. It is necessarily taken into account as a main factor in the initial cost of the coal on board of the cars at the mines. I have never known of labor being asked to cut a penny in wage in order to enable an operator to reach a distinct market or new market.

Q. (By Mr. SMYTH.) Is a larger portion of the production in your district sold for domestic or steam purposes?—A. Most of it goes for steam.

Q. Is there much variation in the demand for domestic purposes?—A. Yes; naturally.

Q. A severe winter would make a larger demand and a mild winter a less demand?—A. Yes.

Q. Of course you can not foretell what the demand will be?—A. No. It has been the custom for a great many years in a good many of the markets, particularly in the Ohio River region, to stock up during the summer season and carry

quite a heavy stock ready for the fall business. In the East for quite a long time it was the custom of some of the larger dealers in the summer time to stock up for the winter time.

Q. Then a severe winter, like the one we have had, would lead to a larger demand for coal and consequently a larger number of days for the mines to be operated?—A. Yes; the coal-mine industry, particularly among the domestic mines, is very sensitive to the mercury; it goes up and down with the thermometer.

Q. (By Mr. NORTH.) Is it true that the demand for coal for household purposes is comparatively small?—A. It is really getting smaller every year. When I first commenced shipping the block coal, it was used in every hotel. You would find open fireplaces and fires in the rooms, and nearly all the residences in the country were depending upon open grates for their heat. Of course we know there is an immense waste of heat going up the flue. Within the last 10 or 12 years there have been improved methods of combustion, and every house now of four, five, or six rooms either has a hot-water heater or steam heater or a furnace of hot air, and they burn almost anything that is black.

Q. (By Mr. SMYTH.) Has the demand for coal lessened in that way?—A. In that way the demand for high-grade domestic coal is restricted to those people who choose to burn a little in the parlor or libraries when they want something brighter than the radiator.

Q. (By Mr. PHILLIPS.) Has the use of natural gas had something to do with the consumption of coal?—A. No: except in a few localities, because natural gas has not been piped to any great distance from the fields. I believe there is some piped to Chicago, and, of course, Indianapolis, Pittsburg, and Wheeling. As a general thing natural gas for large cities is limited to those named.

Q. Is the demand for manufacturing and transportation purposes constantly increasing?—A. There is a better market, of course, for coal for furnaces and for steam than there is for domestic trade.

Q. (By Mr. NORTH.) Does the kerosene lamp and stove have any perceptible effect on the consumption of coal?—A. We know that it is having an effect. When we feel there is a shortage of orders, we can not say specifically how much of this is owing to gas and gasoline. It gets lost in the general combination. We do not know what the extent of it is.

Q. (By Mr. RATCHFORD.) Is it true that some of the devices constructed during recent years have reached that state of perfection where they consume what was hitherto considered a waste?—A. I have at Coalburg a slack pile about 1,200 feet in length, 150 feet in general width, with an average depth of about 6 feet. That was screened and thrown out back in the sixties—1864 and on. At the present time every ton of that coal would be utilized; would go into the market.

Q. Have you employers' liability laws in your State?—A. A bill was introduced in the last legislature that had some bearing upon the employers' liability, and I believe there is something on the statute books in regard to the coservant law, but I am not at all familiar with those laws. I have never looked them up.

Q. Are the sanitary and personal-safety laws effective in your State?—A. They are, to the best of my knowledge. The mine inspectors make frequent visits, and I think their orders are carried out.

Q. How about the sanitary laws in the mining villages?—A. We have nothing in the nature of a sanitary law in any of the villages. There is no regular law. Most of the villages are built upon the banks of streams, and the main trouble they always have is in getting water that is pure for drinking purposes. Naturally, if a house is kept in bad condition, the mine operator has the trouble removed and corrected.

Q. (By Mr. SMYTH.) Are the houses owned by the operators, as a rule?—A. As a general rule.

Q. Are the miners compelled to live in them?—A. Not at all. The operators are very glad, indeed, to have them own or rent elsewhere.

Q. Is there no discrimination between the man who rents a tenement from the mine and another who does not?—A. Not at all. Some years ago I was at pains to look over the labor list, and I was somewhat surprised to learn that 32 per cent of the men in my employ at that time owned their own properties, and a great many of them were men whom I had helped to get their property; in fact, I have a few claims against some of them which I would be willing to cash in at a very much reduced rate. They are for buildings I helped construct for them without getting my money back.

Q. (By Mr. RATCHFORD.) Are there any sanitation laws of your State?—A. None that I am familiar with.

Q. We find 100 or more miners employed in a mine several hundred feet under the

earth, where the air is impure. Do you not believe some sanitary measures are as necessary to the health of an individual in that case as it would be in a workshop, mill, or factory?—A. The principle is exactly the same.

Q. Have you laws in your State governing the question of check weighmen?—A. Not to my knowledge. I have never known where a check weighman has been refused when asked for.

Q. (By Mr. NORTH.) Is there no complaint on the part of the miners?—A. Not to my knowledge. Most of the mines have test weights, that they receive from the sealer of weights and measures, and test their scales from time to time.

Q. (By Mr. PHILLIPS.) Do the miners ever employ a man, to your knowledge?—A. Yes; it is frequently done.

Q. But it is not the universal rule?—A. No; it is optional with the men, so far as I know.

Q. (By Mr. RATCHFORD.) Have you laws regulating employment of children?—A. I am not at all familiar with that law; have never had occasion to look it up. We do not employ children.

Q. (By Mr. SMYTH.) Are boys employed in the mines?—A. I do not believe I have a boy in the mines under 14 or 15. I may possibly have one trap boy 14 or 15 years of age. This question possibly has reference more to Pennsylvania, where they have boys in the breakers.

Q. (By Mr. RATCHFORD.) Is it your personal opinion that boys under that age should be excluded?—A. Yes; I think an operator ought to exclude them voluntarily if they are not excluded by law.

Q. Have you laws regulating screens, company stores, etc?—A. There is one in regard to screens. There has been some question of its constitutionality.

Q. Does the law regulating the screen prescribe the size of the screen to be used, or does it abolish the screen?—A. The law abolishes the screen.

Q. You have screens in use now?—A. Yes.

Q. Will you state to the commission the character of those screens?—A. The screens vary according to the character of the coal. Some gas mines have a half-inch screen that takes out the dust; some have three-quarters, some an inch and a half, and a few of them two inches.

Q. You say they vary in size according to the character of the coal?—A. The screens vary according to differences in the character of the coal, and in one or two instances there is a variation in size of the screens in practically the same district.

Q. In each case is the size of the screen a matter wholly with the control of the employer?—A. It is a matter of agreement between the employer and employee.

Q. Have you any instances in your State in which the employees have aided in fixing the size of the screens?—A. No.

Q. That being true, it seems to me that it rests wholly with the employer. Is that true?—A. Not necessarily. Generally at the starting of a work the operator decides upon what grade of coal he wishes to produce, and he puts in his screens at an inch and a half, three-quarters, or 2 inches, as the case may be, and he starts up his work; and then he fixes his scale of wages, or pays the wage scale of the district, and it is optional with the men whether they come in and go to work under the system adopted. The use of screens is almost entirely abolished in a good many of the districts, and I have no doubt whatever that the operators would be very glad indeed to dispose of them if possible. In coals that are intended for the domestic trade careful preparation is an absolute necessity. The buyer pays a great deal of attention to the appearance, and if we were to send our coal out as it comes from the pick it would not be any time until we would practically be ruled out of the market. Our coal is rather hard and we can not go in on a competitive basis for the steam trade, and we must limit ourselves to the domestic trade, and that is particular. In mining the coal a skillful miner will undercut deep, fire his shot, and bring his coal down in good big lumps. It takes a skillful miner to do it. An ordinary miner will go in and make a little undercut and will rely on powder to do the work for him, and the result is that in shooting off the solid, either in whole or in part, the coal is very much broken up, and when it comes out it does not please the buying public, and very often results in a suspension of orders. The mines that pay for coal over the screens of course pay a larger rate per ton for that coal than they would pay if they took it as it came directly from the pick. If they took it straight from the pick they would have to be careful about inspection and have penalties to keep up the standard. I have never been able to see where worthy miners were injured in any way by these screens. It may be hard on the indifferent miner, because anyone can shoot from the solid, when it is not everyone who can mine properly.

Q. Have the miners, either in person or through representatives, ever met with the employers to determine the size of the screen to be used?—A. I do not remember that the question has come up between them.

Q. Have the employers ever refused to meet the miners to deal with that and other questions?—A. There may have been refusals at various times to meet and treat on various propositions. At the same time there have been many meetings.

Q. Have there been joint meetings of the miners and operators of your State?—A. Yes; there was a meeting of the West Virginia mine workers and a committee of the operators within the last two weeks. We agreed upon arbitration and the scale and a clause in regard to the division of any advance in the market price.

Q. (By Mr. PHILLIPS.) Is that in your district or in the State?—A. The agreement was with the State organization; the meeting was held in Charleston.

Q. Do the operators of your State prefer to treat with this organization rather than with the National Association of Mine Workers, and why?—A. I can not speak for others. I can only express my own views in that matter. I have had some experience with organization and with disorganization. When I first went into coal mining there was nothing in the nature of an organization in existence, and it seemed to be left to the will and caprice of any man in the mine to go down an entry and call a meeting at a certain time and accumulate a mob—that was the only term that would describe it. The men would come down the hill in a body and make a demand. It might be something we could not concede, and thereupon a strike would take place without a notice. There was no system of bringing the men together and having the matter discussed, and the result was that in the most unexpected way we were called upon to have stoppages. Then came the original Knights of Labor, and I believe I was one of the first operators in the district—for quite a while, perhaps, the only one—to recognize them and treat with their committees. I found the system very much more satisfactory, and I believe to-day that organization is all right. There is no objection to it whatever. In treating with an organization, however, I would rather treat with the people whose interests are identical with my own than with those whose interests are to a very considerable extent inimicable to mine. The great weight of influence and power of the national organization rests with the representatives from Ohio, Indiana, and Illinois; and West Virginia, being a young and growing field, having no large home market, must naturally come in competition with these other districts. From an operator's standpoint it would not be in our interest—and operators do care for and look out for their men—to have our men entirely at the disposal of representatives from the Pittsburg, Ohio, and other fields. In other words, we would rather have a West Virginia organization with which we can make our contracts for work and which would make rules and regulation to govern the association, and they could make their arrangements with the other districts as it becomes necessary. In the long strike we had some few years ago, 1897 I believe it was, our men were called out on sympathy, and I think we laid idle for something like 117 days. Our men were willing to work, but orders came from the national organization, and they stayed out.

Q. (By Mr. NORTH.) Then, apart from this aspect of it, you would prefer to deal with organized labor?—A. Yes; I always have dealt with organized labor. If there is an organization and it has rules and regulations, etc., and you want to take a contract for 50,000 tons of coal, or 5,000 tons, or some other quantity, you can make an arrangement with your men and go ahead, and feel some measure of safety in doing so. If you are treating with your labor individually, you might go on to the end all right, or, the first thing you know, you might be out with a good contract.

Q. (By Mr. SMYTH.) Is your labor mostly native in West Virginia?—A. Yes; almost entirely.

Q. Have you any colored labor employed in the mines?—A. I have never had a colored man in my employ.

Q. Are they employed in the other mines?—A. In most of the other mines they are, and ordinarily the colored man who has a disposition to work and will go under ground makes a very good man and a very good citizen.

Q. (By Mr. PHILLIPS.) Are they generally organized as well as the white miners?—A. I think a large number of them are in the organization.

Q. (By Mr. RATCHFORD.) In your district are operators mining two kinds of coal, and are some screens there over 2 inches?—A. There are some 4-inch screens; that is a special preparation where there are two qualities of coal in the same seam and they put in 4-inch screens, but they have a run-of-mine basis for paying, and the separating is a matter of convenience for the operator.

Q. Is there a diamond bar or a flat bar?—A. I think most of them are flat top.

Q. What are the dimensions of the screens?—A. My bar is a flat bar; I do not know what the others are. My screens are 12 feet long by 5 feet wide on the railroad tipple and 12 feet by 4 feet 8 inches on the river tipple.

Q. Is there any difference in price in mining between a 1¼-inch and a 2-inch screen?—A. No.

Q. Do they mine for the same rate?—A. Yes, but not at the same mines. Personally I would like to see a uniformity of screen.

Q. What have you to say in reference to company stores?—A. They are a help to the men. That has been the result in our district, from the fact that prices for coal have been so low for certain months of the year—sometimes for a year at a time—that the price received for the coal alone would not equal the price paid for producing it, and were it not for the revenue derived from the store business I suppose quite a number of mines would be compelled to go out of existence. The prices prevailing in the different mine stores are regulated by the competition from the adjacent stores, and if the mine did not have a store of its own the miner would buy his supplies from some of the near-by stores, where the net profit of course would go to a storekeeper from whom the mine worker would not get employment in return. With newspapers broadcast throughout the land and quotations published at every place, the prices of all commodities are pretty well known. I do not think there is any injustice in the store system at all as it is operated throughout our district. In fact, I think half the operators would have to cut wages or go out of business without this assistance.

Q. Are such stores in your district generally conducted by the mine owners?—A. Yes.

Q. Do the necessaries of life sell at about the same price as in the cities and villages outside of the mining districts?—A. Counting cost and carriage, I imagine they do; I am not at all familiar with the store prices either in the cities or at the mines.

Q. (By Representative LIVINGSTON.) Have you had any protests from the labor organizations at the mines against the prices charged at your stores?—A. There have been at various times; a committee would ask if we could not make a change in the price of oil, powder, flour, or something of that sort; those things come up perhaps once a year, and sometimes may go a couple of years without any question of that sort.

Q. Are there serious discrepancies in prices?—A. No.

Q. (By Mr. RATCHFORD.) Is every miner in your employ free to deal or to refuse to deal with those stores?—A. Yes.

Q. Is the same true of other operators, to the best of your knowledge?—A. So far as I know, yes.

Q. What is the object of connecting a supply store with a coal mine?—A. The system was started rather as a matter of necessity, when the mines in the district were first opened and villages were remote, but it became customary to open up a supply store just as contractors in going out and building railroads carry their commissaries along with them. Those stores, when once started, were retained and each newcomer opening up a mine would start a store in connection with it, until it has grown to be a system, and I do not know of a mine in our State that is without a mine store.

Q. How can a coal operator, either in the State of West Virginia or out of it, who has to meet the competition in prices and who has no store in connection with his works, possibly exist when the cost of mining is greater than the price at which his coal is sold?—A. The cost of production very often fluctuates by reason of the irregularity of the work. I do not want to be captious in the matter at all in answering any of these questions; I would like to answer them just as fully and carefully as I can, but I do not want to have my meaning in any way changed. Every mine when it starts out has a certain amount of fixed expenses; the taxes run for a year; there are a certain number of employees who are under salary by the year; the investment comes in by the year, and you take your fixed charges for the year, and they may be $1,000 or $2,000 a month. If your fixed charges are $1,000 a month and you only get out a thousand tons of coal, it costs you a dollar a ton. If you get out more, the fixed charges of course are reduced proportionately. Take it along in the dull seasons of the year and there will be quite a number of months, perhaps, when the mine would be showing a loss right along because of the fixed charges, and they would be unable to continue unless they had something in the way of revenue from outside.

Q. Is it a fact that those fixed charges exist with or without the store?—A. Naturally. I do not think the store question is one that is affecting the district.

Q. Can you state any reasons why men who are engaged in the production of

coal should run a store in connection with their mines that will not apply also to the men who are engaged in the production of iron or other merchandise?—A. It seems to be the disposition all over the country to multiply lines of business, grouping them under one general head. For instance, take Wanamaker's, Siegel & Cooper's, and other stores, which were dry goods stores originally, perhaps, and now sell a little of everything. I do not like the idea of having to run a store in connection with a mine; I would much rather have the thing eliminated, for it could be done if it were general; but it is not general, and as long as the conditions remain as they are now it is quite a little help to have a store, and no one is hurt by it.

Q. (By Mr. C. J. HARRIS.) If you were obliged to dispense with the company store would you either have to secure a greater price for your coal, or cut wages at times, in order to meet the competition?—A. Yes; because the margins are naturally running very close on coal.

Q. (By Mr. RATCHFORD.) Does it follow that a man who has no store when coal is sold below cost must cut the price?—A. I presume so; I do not know of anyone who has not a mine store.

Q. (By Mr. SYMTH.) How do you sell goods to your miners?—A. By a system of accounts. They come in and draw according to their requirements, and the amount is charged up to them and deducted at the end of the month from their wages.

Q. Do you pay once a month?—A. Yes.

Q. (By Mr. A. L. HARRIS.) You do not pay in scrip—store orders?—A. Not regular scrip; it is what we call a store order.

Q. (By Representative LIVINGSTON.) Can they trade all through the week?—A. Generally most of the orders are drawn for from 50 cents to $2.

Q. (By Mr. RATCHFORD.) What proportion of the miners of your district under that system receive any currency on pay day for their month's work?—A. I could not tell you the exact percentage, but our pay rolls generally run heavy.

Q. Do most of your miners have some cash to draw on pay day?—A. Yes, the majority of them.

Q. You have stated that both the tenement and company-store systems are general in your district. What effect do these systems have toward the suppression of strikes or the bringing about of strikes?—A. I do not think they have ever cut any figure.

Q. Have you ever known any instances in your State where miners on a strike were ordered out of the company houses?—A. Yes; I have never known of men hesitating to go on strikes because they lived in company houses.

Q. Have you ever known of any instances where they were refused store goods?—A. When not due them.

Q. (By Representative LIVINGSTON.) Is it an accommodation to your laborers to have the store near by where they can go at night or any other time to get their supplies?—A. All stores are usually located in the central part of the property, where they are convenient to the men. Their weight sheets are posted and all their accounts are kept there, and the men naturally go to the store as a sort of meeting place.

Q. Suppose the village store should be 5 miles away, would your employees lose time if they had to go there to buy their supplies?—A. Very often they would send their children; they do now; they go to the neighboring stores. For instance, I think there are some three or four stores within about a mile and a half or 2 miles of my village and there are some stores across the river.

Q. Then there is competition?—A. Oh, yes; and there are two little boats coming up the river every day from Charleston. That is a city of good size, the capital of the State; there are also a couple of passenger trains a day, and they go down and shop.

Q. They can take their money at the end of the week when you pay off and go to these places and buy what they want?—A. Yes; and they do it to a considerable extent.

Q. (By Mr. RATCHFORD.) In your experience as a coal operator have you ever learned of a miner being dismissed from employment because of his refusal to deal with the store?—A. I do not know of any specific cases.

Q. Have you ever found that the miner who does deal with the company store and who has a large family gets an advantage as compared with others?—A. I have never known any case of that kind myself; but where a man has a large family and helps in the store, it would be perfectly natural for the operator to help in return.

Q. (By Mr. PHILLIPS.) As a rule, is there any difference in prices in the company store and the store in the village or near-by towns?—A. No; we generally

aim to draw custom and trade. A rival store will very often make a cut rate on some branded article or some special articles, but on the general run of goods the prices are very much the same.

Q. (By Mr. RATCHFORD.) Have you anything to say on convict-labor laws?—A. We have no convict labor there.

Q. Are you a believer in arbitration?—A. Yes; where it can be arranged by mutual agreement; but it frequently happens that there are cases where compulsory arbitration would work a hardship on one party or another.

Q. (By Representative LIVINGSTON.) What is the condition of the families you employ; do they have sufficient food to eat and clothes to wear when they are at work, or are they stinted?—A. I think their condition is generally good; it seems to me much better than when I first came into the district. A good many of the men have accumulated properties of their own, and a good many of them are able to have organs and pianos and live very comfortably. As a general thing the miners require a good quality of goods and supplies, and if you go through most of our villages and notice the men, women, and children there, you will find that they are nicely dressed. They have their churches and their schools, and education is almost universal.

Q. What nationality do you employ?—A. Americans almost altogether, and a few English and Irish descendants—almost altogether native Americans.

Q. (By Mr. PHILLIPS.) Are they chiefly from that section of the country?—A. Yes; most of our men are from Virginia or West Virginia.

Q. (By Mr. RATCHFORD.) How often are your men paid their wages?—A. We have always paid once a month, as our rail coal is sold for settlement about the 20th of the month for the shipments of the preceding month. Barge coal is sold upon 3 or 4 months' time generally.

Q. (By Representative LIVINGSTON.) Do you pay in money?—A. Yes; in money.

Q. (By Mr. RATCHFORD.) Do you think monthly payments are satisfactory?—A. I think they are.

Q. Do you believe they are satisfactory to the workingmen who receive their wages?—A. Most good workingmen, if they get their pay regularly once a month, can get along very nicely. It is the rule with railroads and a great many large enterprises. Many of the operators are not able to pay oftener.

Q. What have you to say in respect to the shorter workday?—A. I am opposed to the shorter workday. If there should be legislation to curtail the general hours of labor, I would much rather have it taken from one special day in the week than 2 hours from each day. Ten hours seem to be about the right number.

Q. What have you to say in reference to cooperation, premium payments, profit sharing, industrial copartnership?—A. I am inclined to believe that in the time to come there will be a more general arrangement with labor for a division of profits. It is starting in that direction and has been worked very successfully in quite a number of places. The Proctor & Gamble Company in Cincinnati have a profit-sharing system that has been in use for a number of years and has attracted quite a good deal of attention. One of the coal companies in our district has had a profit-sharing basis and it has worked very well. It is a growth and will be developed in the future.

Q. (By Mr. NORTH.) What is the name of that mining company?—A. Campbells Creek Coal Company.

Q. (By Mr. RATCHFORD.) Do you believe that system is to be encouraged?—A. I should think it would be encouraged; I think it is a move in the right direction.

Q. How does immigration affect labor in your district?—A. We know practically nothing of immigration in our district. I think a number of years ago some Belgians were brought over, but they scattered through the country. That was the only attempt to bring labor in from foreign countries.

Q. Have you any suggestions to offer for the regulation of the immigration?—A. Nothing beyond the laws already in force, which seem to be right and proper.

Q. Have you anything to say in reference to the sufficiency of the public school facilities in the several States?—A. The school facilities are good in our district. There are more schools in Kanawha County than in any other county in the State.

Q. Are they adapted to the needs of the working people?—A. In a primary way; that is, they comprise the elementary studies.

Q. Do you know whether your own or any other company store receives a percentage on its business from the wholesale houses furnishing goods—that is, are these goods bought under the same conditions as where competition is free in the cities?—A. They are so far as I know.

Q. (By Mr. A. L. HARRIS.) What becomes of the coal that passes through the screen?—A. It is shipped away and sold for fuel.

Q. Into what grades is it separated?—A. Most of it goes out in a mixed grade of the nut and the slack together.

Q. Is that valuable for shipment?—A. You get something for it; about 1 cent a bushel, 25 cents a ton.

Q. Do you separate the nut from the slack before it leaves the mines?—A. No; not very often.

Q. Does the miner get anything for the coal that passes through the screens?—A. No; but he gets an extra price for the coal that passes over the screen.

Q. Is your price based upon the lump coal?—A. It is on the lump-coal basis.

Q. Is your lump coal simply weighed?—A. Yes.

STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA.

I swear that the statements made by me of my own knowledge in the foregoing report of my testimony before the Industrial Commission are true, and that all other statements I believe to be true.

NEIL ROBINSON.

Sworn and subscribed before me this 3d day of July, 1899.

J. B. PEYTON, JR., *Notary Public.*

WASHINGTON, D. C., *April 10, 1899.*

TESTIMONY OF MR. HENRY STEPHENSON.

Member of the National Executive Board, United Mine Workers of America.

The commission met at 10.30 a. m., Vice-Chairman Phillips presiding. Mr. Henry Stephenson, of East Bank, W. Va., a member of the national executive board of the United Mine Workers of America, testified. The topical plan of inquiry on mining was followed.

Q. (By Mr. RATCHFORD.) How long have you served as a member of the national executive board of the United Mine Workers of America?—A. I am serving my fourth term.

Q. Prior to that, in what capacity have you served?—A. Mining coal, and a portion of that time I was in the mines and served as district secretary and president of District No. 17 for a number of years. I have not been employed altogether in the work of the national executive board except during the last 2 years.

Q. Have you been outside of the mines during that time?—A. Yes; outside of the mines during the last 2 years.

Q. What are the functions and purposes of the national executive board, and how many members constitute it?—A. At present it consists of eleven members, and its functions are to direct the workings of the national organization in the absence of the national conventions.

Q. (By Representative LIVINGSTON.) Do you mean you have the power of the national convention during the recess?—A. Yes; the executive board has.

Q. (By Mr. RATCHFORD.) Does that carry with it the power to declare strikes, order strikes off, levy assessments, etc.?—A. Yes, sir.

Q. (By Representative LIVINGSTON.) Does it carry with it the right to arbitrate and settle troubles as well as bring them on?—A. Yes. In fact, our organization is based upon the principle of arbitration and conciliation.

Q. (By Mr. RATCHFORD.) What have you to say in reference to the regulation of unions, their funds, and benefit features?—A. We derive our funds by assessment of 10 cents per month on the members, and we try to improve the condition of the mining trade, to secure better remuneration for our labor, to increase the prices paid for mining, etc. Sometimes, if any of our members meet with accidents, we try to relieve them in a financial way.

Q. Have you any stipulated weekly or monthly allowance for disabled members?—A. No; we have not.

Q. Have you any strike funds?—A. No; not at present. We can assess our members in case of a strike or lockout. We usually do this by assessments. There have been times in the history of the organization when we had separate funds for this purpose, but at present we have not.

Q. Is that special assessment a matter of frequent occurrence?—A. No; it is not.

Q. Has your executive board power to levy that assessment, if need be?—A. Yes.

Q. What have you to say as to the growth of your trade union?—A. It has had a forward tendency. At the present time I believe the wage workers, as a whole, are better organized than during any period in past years. Four years ago we had a very small membership, possibly 10,000. Now I believe we have over 100,000 paid-up membership.

Q. What is the total number of employees in the coal industry?—A. Two hundred and forty some thousand, I think.

Q. Is your organization allied with any other mining or other organization?—A. Yes; it is connected with the American Federation of Labor.

Q. (By Mr. PHILLIPS.) Have you any member on the executive board of the Federation of Labor?—A. Yes, sir; our national president is a member of the executive council of the American Federation of Labor.

Q. (By Mr. KENNEDY.) Are there any Knights of Labor in the coal trade now?—A. There may be some two or three locals—possibly half a dozen—but they do not amount to anything.

Q. Was the organization composed chiefly of Knights of Labor at one time?—A. Yes. We had District 135 of the Knights of Labor, which was a strong organization at one time.

Q. Was there practically no other organization of miners at that time?—A. Yes; there was what they called the open part of the miners' organization; the Knights of Labor was the secret branch. Our members had the choice to enter the one they preferred.

Q. (By Mr. RATCHFORD.) What reason can you assign for the radical change in opinion which has caused your organization to go from the Knights of Labor to the present form?—A. They believe in managing their own affairs without the intervention of others; they believe that they are best able to judge what is best for them.

Q. (By Mr. KENNEDY.) When you were in the Knights of Labor, was there a good deal of interference in your work by men in other trades?—A. Yes; and they virtually controlled us, and we had to do their bidding in that way.

Q. (By Mr. RATCHFORD.) What does the American Federation of Labor do toward the regulation of mining affairs and the improvement of mining conditions?—A. In case of lockouts, strikes, and things of that sort, we may ask their cooperation, and they generally give it to us. They give us both financial and moral support, and help us to settle our difficulties. When we can not reach a settlement with our operators they assist us with their financial and moral aid.

Q. Do you favor the incorporation of trades unions?—A. No, I do not, because I believe the organization might at some time have to enter the courts to enforce its demands or contracts. If the organization was incorporated, a portion of our members who own their own homes would probably have them taken from them, whereas our members generally would be at no loss; the burden, if any case went against us, would be on the few.

Q. Is it a fact that even under a system of incorporation mining organizations that comply with the law need not fear any damages?—A. Yes; but sometimes we do not get justice. You must take that into consideration. If we would get justice we would not have much to fear and need not be incorporated.

Q. Is incorporation undesirable because the miners may wish to depart from a contract made with their employers?—A. No.

Q. Are those contracts usually observed?—A. Yes.

Q. By both sides?—A. Considering the national agreements that we have entered into lately, yes.

Q. (By Mr. PHILLIPS.) Would the property of members of the organization be affected by incorporation?—A. I have been led to believe that it would; that is, I have been told so. Of course, I do not know myself; I suppose not. We are in favor of the incorporation in order to put in practice the contracts we enter into; we are not afraid of anything of that sort.

Q. (By Senator DANIEL.) Are the trades unions generally incorporated?—A. No.

Q. (By Mr. RATCHFORD.) Is your association incorporated under the law?—A. No; we are not incorporated.

Q. (By Senator DANIEL.) Is your association merely voluntary?—A. Yes.

Q. (By Mr. PHILLIPS.) Do you know of any trades union that is incorporated?—A. No; I do not.

Q. (By Representative LIVINGSTON.) Have you no redress in the State of West Virginia for the violation of contracts at common law—if a coal company offers the men so much wages and does not pay, can it not be sued at common law?—A. Yes.

Q. When you have been thrown out of employment for weeks, have you never sued for damages in an action against the company?—A. There has been one or

two cases. I do not know whether they really pushed the matter or not. I am not positive on that point.

Q. (By Mr. RATCHFORD.) Are there any joint contracts made by the men and operators in West Virginia?—A. No; there are no contracts.

Q. (By Representative LIVINGSTON.) Do you mean to say you go to work there without any understanding, either expressed or implied; that you go to work without any contract?—A. Yes; the reasons are these: Though the previous witness testified here, we can rebut what he said. The operators, I am sorry to say, refused to meet ——

Q. (By Senator DANIEL.) Whom do you mean by the operators?—A. The coal operators of West Virginia, the employers of labor. They refuse to meet the miners in joint conference. You may think that is strange, after the evidence given here this morning. They have there what they term a State organization of miners. Now, the real miners do not recognize that State organization as an association of miners. We do recognize it as a side show to the operators themselves; owned and controlled by them. They furnish the money to run it; consequently they control it.

Q. (By Mr. SMYTH.) Is it in affiliation with the Federation of Labor?—A. No; it is not. It was stated this morning that the operators had a joint conference and settled a scale of prices with miners belonging to the State organization of miners. The miners do not claim the State body as an organization of miners. To make it more plain, the operators furnish money to some half a dozen or more miners, whom we call or designate as "blacklegs," or, in other words, "scabs." They have those men call themselves an organization of miners.

Q. (By Mr. PHILLIPS.) Of the State of West Virginia?—A. Yes; of the State of West Virginia. The operators furnish them the money; in other words, pay their salaries to try to get this organization before the public, and of course the miners who mine the coal do not claim that body of men as representing them. The coal operators there did meet this committee and went through the form of entering into an agreement, but I want to say to the commission that the coal operators have positively refused to meet representative miners of our organization to settle on a scale of prices, and have refused to do so for a great number of years.

Q. (By Mr. SMYTH.) Will they meet the organization of West Virginia, but not the Federation of Labor?—A. Yes.

Q. Do you know if they furnish the money to pay for this organization?—A. Yes

Q. (By Representative LIVINGSTON.) If I understand you, you do not recognize any contract or agreement between yourselves and the mine operators. Do you hold that it is your pleasure to stop work when you please and begin when you please?—A. Yes.

Q. Do you give them the same privilege of turning you off when they please?—A. They do it without asking our privilege.

Q. The law of West Virginia says—and there is a liability there that is just as binding as if it was written or signed—that he can not turn you off without being subject to damages.—A. Perhaps they are subject, but they have never been brought to time.

Q. (By Mr. SMYTH.) Do you live in West Virginia?—A. Yes.

Q. (By Representative LIVINGSTON.) By what method do these men who own mines ever get any labor at all?—A. Miners enter a mine at the operator's terms, with a claim that it is a contract, but not entered into by the miners and the operators.

Q. (By Mr. PHILLIPS.) Do they really dictate the terms and do the miners submit?—A. Yes.

Q. (By Mr. RATCHFORD.) What is the relation of your organization to nonunion labor; for instance, your organization declares a strike; to what extent does that strike order affect nonunion labor; do they respond or refuse to respond?—A. Sometimes they respond, and sometimes they refuse; generally they respond.

Q. If the point at issue is raised by your organization, does it also affect the nonunion labor?—A. Yes; they receive the same benefit.

Q. Is the same true in case of an effort to resist a reduction in prices?—A. Yes.

Q. "Strikes, arbitration, and contract labor." Enumerate the several causes leading up to strikes.—A. Strikes generally are caused by a reduction, or the employers demanding a reduction in the prices of mining. The late general strike, or suspension, as we term it, was brought about for the purpose of increasing the prices of coal in the various markets, for the reason, as the operators said, time and again, they were not able to pay the miners a living wage. Creating a scarcity of coal in the various markets naturally raises the selling price of

coal, and would enable them to pay the miners the higher rate of wages. Those are some of the reasons that cause strikes.

Q. What were the prices paid in the mining districts of your State prior to the suspension?—A. Two cents a bushel for coal run over 1¼ to 2 inch screens between bars 12 feet long by 6 feet wide.

Q. Is that the case in Ohio?—A. I am not so positive about Ohio, but it is possibly a quarter of a cent above that price.

Q. Do you remember the price in Pittsburg?—A. It is the same as in the Kanawha district.

Q. Is it a fact that prior to your late strike prices in the Pittsburg district came down from 79 cents a ton to 54 cents?—A. Yes.

Q. And in some cases to 45 cents?—A. Yes.

Q. Do you believe that the operators of whom we are now speaking were unable to pay higher prices than the prices that ruled?—A. They claim so; I am not positive myself; they claimed they were unable.

Q. (By Mr. A. L. HARRIS.) Will you please state what was the cause of these low prices of coal in the market?—A. I am not positive, but I think the operators underbid each other in the various markets to get trade.

Q. (By Mr. C. J. HARRIS.) Did they then go back and ask the employees to accept the reduced wages?—A. Yes; every time they will do that.

Q. Was the price of mining coal getting lower and lower under that strain of competition?—A. Yes.

Q. Indirectly, then, did you strike against the reduction in the price of coal in the market because it was injuring your pay?—A. Yes; that was the intention.

Q. (By Mr. RATCHFORD.) Have you any knowledge of the causes that operated in reducing the mining price so materially, other than the cutting of prices by operators?—A. I can not say, unless the railroads, by buying coal from mines in my district, had that effect. I am not well acquainted with their customs, but I have been told very often that when a railroad company would purchase coal from the mines, it would say to the operator, I will give so much for your coal and supply you with all the cars that you need—and I believe that had a tendency to reduce the price of mining.

Q. Was there not another cause, with which I believe you are familiar, that operated in the Pittsburg region—what is known as the De Armitt trouble?—A. The De Armitt Coal Company always claimed the right, I believe, to have its coal mined at 5 cents per ton lower than the neighboring operators; and having its coal mined at those figures, compelled other operators to ask a reduction of the miners' organization to meet that competition in the same markets.

Q. Has there been any instance in which the miners' organization granted that reduction?—A. Yes; the miners of the Pittsburg district, also the Ohio miners, voluntarily reduced the price of mining in order to meet competition.

Q. Do you remember the amount of the reduction?—A. I think it was about 20 cents per ton, possibly 2 years ago.

Q. What were the main causes that led to the strike—we have not covered that fully?—A. I might add the discharge of our members, and we have sometimes considerable trouble with the regulation of screens; sometimes strikes are caused by the operators not paying their employees at stipulated times during the month; various causes which we might enumerate.

Q. Is it a fact that strikes are avoided by the miners and operators treating with one another?—A. Yes.

Q. And that where they do not treat with one another the danger of strikes becomes greater?—A. Yes; we have more strikes where the miners are not organized than where organization exists.

Q. Are strikes beneficial or detrimental?—A. Strikes are detrimental as a whole; sometimes, of course, they prove beneficial; the miners wish to avoid them because they are detrimental to the interests at large.

Q. Do you believe fair means should be employed in order to avoid strikes?—A. Yes; I believe in conciliation. If we can not accomplish our ends by that means, then by arbitration.

Q. "Methods of strikes; of boycott; of blacklist; picketing or patrolling; other methods of influencing results, whether by employers or employees; sympathetic strikes"—what can you say on that topic?—A. Our method in conducting strikes is to use all fair means, issuing circular letters, etc. The operators usually use the blacklist against the miners and miners' officials who take an active interest in the organization.

Q. What do you mean by "fair means?"—A. To meet together with them and discuss the question.

Q. Anything that is unlawful?—A. No.

Q. Does your organization ever use the blacklist or the boycott?—A. No; excepting in trying to boycott coal. Our organization has attempted to get the public to purchase union-mined coal in preference to nonunion-mined coal.

Q. To what extent is this practiced, and against whom?—A. The first effort was made after the late suspension, against the unfair product of the State of West Virginia, a portion of Virginia, and a portion of Kentucky; in fact, where coal was not mined by union labor, or where the union scale was not paid.

Q. (By Mr. C. J. HARRIS.) Do you take the ground that coal not produced by union men is an unfair product?—A. Yes.

Q. (By Mr. RATCHFORD.) Is the blacklist used in your organization?—A. No.

Q. (By Mr. PHILLIPS.) Do you blacklist miners who do not belong to your union?—A. No.

Q. (By Senator DANIEL.) Who is put on the blacklist? Have you any definite information on that subject?—A. I know from my own individual case, at several mines in the Kanawha district I could not find employment.

Q. A man not finding employment and being on the blacklist are different things. Who puts people on the blacklist?—A. I know in this particular case some of our members went to a certain place to find employment. The clerk would run over a list of names and after looking over the list he would tell a certain individual that he did not have any work for him. That is what I consider a blacklist.

Q. What companies were they?—A. I can not call to my mind now—the Belmont Coal Company, Cedar Grove Coal Company, Riverside Coal Company, Winifred Coal Company, Carver Brothers, Campbell Creek Coal Company, M. T. Davis; that many I recall at the present time.

Q. Who are the men they had on the blacklist?—A. Robert Mitchell, Robert Stephenson, myself, Thomas Ferry, and if I had my notes I possibly could give fifty or more.

Q. Do you mean all those companies had all those men on the blacklist?—A. Yes.

Q. What were they blacklisted for?—A. To the best of my knowledge for taking an active part in building up the organization.

Q. Will you give the addresses of those people?—A. Belmont Coal Company, Crown Hill; Cedar Grove Coal Company, Cedar Grove; Riverside Coal Company, at Riverside; Winifred Coal Company, Winifred; Carver Brothers, Montgomery; M. T. Davis, Montgomery; Campbell Creek Coal Company, Malden, W. Va.

Q. Are you speaking of your personal knowledge in each of these cases?—A. To the best of my knowledge it is the case with these mines. Individuals have come to me and told me.

Q. (By Mr. C. J. HARRIS.) Have they seen the list in some cases?—A. Yes; the clerk looked over it in their presence, but of course he did not inform them it was a list.

Q. Was that your reason for believing it was the blacklist?—A. Yes.

Q. (By Mr. KENNEDY.) Do you know of any instance of men who have never incurred the displeasure of companies failing to get employment without trouble?—A. No; I can not recall any such instance.

Q. Would that help to confirm you in your belief that it was a blacklist?—A. Yes.

Q. (By Mr. C. J. HARRIS.) Suppose he was discharged for incompetency or insubordination or laziness?—A. In cases of that kind our organization does not take any notice of such things, as we are really as much in favor of a man being discharged for such reasons as are the operators themselves, but we do not believe they should have the right to discharge our men for taking an active part in the organization.

Q. (By Mr. RATCHFORD.) Are there any methods employed by either the operators or miners to influence the results, aside from the boycott and black list?—A. The miners in our State sometimes call in influential men to help us to settle difficulties, and this we often do in our district.

Q. Have you "sympathetic strikes" in your trade?—A. Yes; they usually occur by one district coming out with another; that occurred in the late suspension.

Q. What district in the late suspension came out?—A. In a portion of our district during the agitation the operators voluntarily increased the miners' wages, thereby trying to keep them at work. In order to make our strike successful they came out, and it was said they came out in sympathy.

Q. If a strike was successful, is it a fact that the miners of your State would share equally with others?—A. Yes.

Q. In that case would it be a sympathetic strike?—A. Of course; they would gain in wages, etc., if successful.

Q. "The importation of new or foreign labor, under contract or otherwise." What have you to say in regard to that topic?—A. So far as importation of labor from other countries is concerned, I do not know. We had a strike on Loup Creek last December and the operators went to the State of Virginia and imported labor for the mines, and during last summer the operators in our district, thinking that possibly there would be a strike for better wages, went to the State of Virginia and hired a lot of colored men to come there and work in the mines; shipped carloads of them.

Q. What was the effect on your State?—A. It did not have much effect, for the reason that the labor that was imported there found out in a short time that they were lied to, and they returned home as fast as they could. They did not receive the wages they were promised. Some of them walked home and others rode on freight trains; they did not stay very long.

Q. "Conciliation, mediation, and arbitration."—A. As stated previously, our organization is based principally upon the principles of conciliation, mediation, and arbitration. We try to settle all our differences, when we can get the opportunity, by these methods, and refrain as much as possible from strikes.

Q. Do you speak of conciliation and mediation as referring to the coming together of representative men from the various parties in interest?—A. Yes.

Q. Do you find a greater number of your disputes are settled through these methods than through arbitration?—A. Yes.

Q. When you find it necessary to resort to arbitration, is each side represented voluntarily?—A. Yes.

Q. And as a temporary measure?—A. Yes.

Q. Does the organization which you represent believe in compulsory arbitration?—A. I can not say that it does at the present time, because they are getting along very well. Yes, if it can not be settled otherwise.

Q. Do they believe in the State making it compulsory?—A. Yes. That is the only way it can be brought about, through either State or national laws.

Q. Do you believe that where conciliation and mediation fail, and an effort to arbitrate the question by mutual consent fails, that it should be arbitrated compulsorily, rather than have the strike resorted to?—A. Yes.

Q. "The injunction in strikes." What have you to say about that?—A. The injunction was used very extensively in the strike of July, 1897, especially in the West Virginia district. The injunction even prevented men from walking along public highways; we could not meet our fellow miners to talk to them. They named in those injunctions men that were a thousand miles away from the scene of trouble.

Q. During that time were there any violations of law on the part of the miners?—A. No.

Q. Were there any prosecutions for violations?—A. There were prosecutions for not adhering to the injunctions. There were no prosecutions for violations of the law, to my knowledge.

Q. (By Mr. PHILLIPS.) That was in groups, was it not?—A. It enjoined our officials from going to certain mines; marching to and fro along certain highways.

Q. (By Mr. KENNEDY.) Do I understand you to say that injunctions in blocks were issued by courts and were filled out by persons?—A. I was so informed.

Q. (By Mr. RATCHFORD.) "Weekly, bimonthly, and monthly payment laws; advantages and disadvantages."—A. We have in the State of West Vitginia a semimonthly pay law, but it is not enforced. I do not know one operator who complies with it.

Q. What is the feeling of the workman toward this law?—A. The workman is in favor of it; in fact, when before the legislature, before it was enacted into law, we petitioned that legislature for the law, not just in its present form, but we wished a two-weeks-pay law.

Q. Are the methods or times of payment in other districts competing with West Virginia on the same basis as those of West Virginia?—A. No, they are not; the districts that compete with West Virginia pay semimonthly.

Q. Are there laws to that effect in the different States?—A. Regardless of our laws, the operators do not pay us in West Virginia. Some of the States have laws, but I am not positive as to all of them; yet they pay semimonthly in other districts.

Q. Do you believe it an advantage to the workmen to receive their pay semimonthly?—A. Yes; because those who receive their pay oftener purchase the necessities of life where they can purchase them most reasonably, because in company stores they charge 25 per cent higher for their goods than outside dealers do. If they have the money they find they can take advantage of it.

Q. (By Mr. PHILLIPS.) Do you believe it is the rule that company stores charge 25 per cent more than others?—A. Yes; statistics prove it.

Q. Are they doing it to-day?—A. Yes.

Q. (By Mr. RATCHFORD.) "Time work; piecework; overtime work." Have you any of that in the mines?—A. I suppose we have; that is, by the hour.

Q. By the hour; by the piece.—A. Yes; I might say that it operates in West Virginia to a large extent.

Q. Have you task work in the mines?—A. I do not understand that question.

Q. My definition of it is contract work.—A. Not to a large extent. There are some few cases, I think, but not general.

Q. "Sliding wage scales, operation of; minimum wage scales." Any such things in the mines?—A. No.

Q. (By Senator DANIEL.) What is the average wage paid the miners in the West Virginia mines?—A. Seventy-five cents and a fraction, taking it from the mine inspector's report.

Q. How many hours?—A. Ten and one-half.

Q. (By Mr. PHILLIPS.) Do they generally work by the ton or bushel?—A. Both ways. The mines ran in the year of 1897 197 days. I find they made on the average 75 cents and a fraction a day, taking the working days in the year.

Q. (By Mr. RATCHFORD.) What would be the average pay for a day's work?—A. I am not positive on that.

Q. (By Senator DANIEL.) What does the miner who works by the day get on the average for his day's work?—A. The average for a day, I suppose, will run about $1.25. There are mines, of course, in which you can make more than that; but there are a great many that make less. What we call a first-class miner will make possibly $1.75. Sometimes a miner who has a very nice place would go a little higher than that, but on the average they do not make over $1.25.

Q. What is the cost of living, as a rule?—A. I do not figure on the individual man, but in my State it generally takes all they can make. Very few of them save any money out of what they earn at the present time. A few years back they saved a little money, but at the present time they do not lay up any for a rainy day.

Q. Is the tendency of wages to increase or otherwise?—A In our district we have not had any increase in wages lately.

Q. (By Mr. PHILLIPS.) Do they mine chiefly by the ton or by the bushel in your district?—A. Principally by the ton, excepting in the Kanawha district, where they mine by the bushel.

Q. What is the price per ton for mining at the present time?—A. It runs from 20 cents up to 40 cents; 40 cents, I think, is the highest.

Q. (By Senator DANIEL.) What is a ton of coal worth at the mines?—A. Taking the mine inspector's report, I think they get on the average 67 cents a ton when they sell to the railroad.

Q. F. o. b.?—A. Yes.

Q. (By Mr. RATCHFORD.) What is it worth to the retail trade?—A. We pay at the rate of 4 cents a bushel.

Q. (By Senator DANIEL.) That is at the mine?—A. Yes; that is for our fire coal.

Q. (By Mr. RATCHFORD.) What has been the advance per ton for mining in the States surrounding West Virginia in the past 18 months or 2 years, according to your recollection?—A. Fifteen cents.

Q. What has been the advance in your State during that time?—A. Nothing at all.

Q. What has been the reduction of hours of labor in other States than yours?—A. Two to 2½ hours.

Q. What has been the reduction of hours in your State?—A. None at all.

Q. (By Senator DANIEL.) Specify the States.—A. States of Illinois, Indiana, the Pittsburg district of Pennsylvania, Ohio, a portion of Iowa and a portion of Kentucky.

Q. How is it in Virginia?—A. Same as West Virginia, no reduction, no change.

Q. (By Mr. RATCHFORD.) What have you to state in connection with store orders and payment in kind?—A. Most of the company stores in our State use what we call checks, pasteboard checks. The companies give them to the employees for certain amounts at their respective stores, not transferable. They take them and deal from the company stores the amounts contained in the figures on the checks. Sometimes some of them are very generous and will allow you a little money, if you ask for a quarter or half a dollar. They might advance you a little out of the cash drawer. The checks generally state, I think, "Good after one year," or "One year after date * * * promise to pay to bearer," etc., the amount designated.

Q. They are gotten up in the form of coupons, are they?—A. Yes.

Q. Are they recognized in any other institution?—A. Not transferable.

Q. Is it true that you have companies in your State that issue scrip that is negotiable, passes as currency in any business house, and is redeemed at about 80 per cent of its face value?—A. It used to be practiced, but I am not positive about it at the present time.

Q. (By Senator DANIEL.) State what companies have issued this scrip.—A. Take the mine inspector's report and get every company's address, and you can easily find out. To the best of my knowledge all of the companies in West Virginia issue those store orders. I can not recall them all now, but virtually all use the checks or store orders.

Q. (By Mr. RATCHFORD.) Are those stores generally operated by the mining companies?—A. Yes.

Q. What have you to say regarding the influence brought to bear upon employees to deal in these stores?—A. To the best of my knowledge a great deal of influence is brought to bear. I know of instances where the miners have told me that they were compelled to deal considerably out of the store or find employment elsewhere. I know of instances where the miners have moved to private houses and have had to move back to the company's house in order to get their share of the employment. One particular case was the Belmont Coal Company. It is an established fact in that district that unless you purchase very nearly all that you make out of the company store, they have no use for you. There are some exceptions to the rule, of course.

Q. Do the company stores handle almost everything the miners use—clothes, shoes, hats, etc.?—A. Yes.

Q. What is flour worth per barrel in the company stores?—A. From $5 to $7 at the present time.

Q. Can you enumerate a few other articles?—A. Miners' oil generally runs from 40 to 80 cents; sugar, they generally sell you 15 pounds for $1; Arbuckle's coffee, 12½ to 20 cents a package. Some stores charge more than others. Ham meat is generally 12½ to 17 cents a pound; bacon, from 8 to 12½ cents; canned goods, such as tomatoes, generally 2 cans for 25 cents; corn, same. A few days before I left home I got a barrel of best grade of flour from a private store for $3.85.

Q. That same grade bought out of the company store would cost you what?—A. Cost $6, at the lowest calculation.

Q. (By Senator DANIEL.) What class of people, as a rule, are miners in West Virginia?—A. We have all nationalities; mostly native-born West Virginians.

Q. What proportion of the miners in West Virginia would you say were native-born people of West Virginia?—A. I should judge about one-half; of course I have not the exact figures.

Q. And the other half are made up of different nationalities?—A. Yes; from various countries.

Q. Any predominance of nationality among them?—A. No; pretty well divided up—English, Irish, Germans, some Hungarians, Swedes, and so on like that.

Q. Any colored men among them?—A. Yes; great many colored men in the State of West Virginia, principally in the New River district.

Q. (By Mr. SMYTH.) Do you include them among the native West Virginians when you speak of the half?—A. Yes.

Q. (By Mr. KENNEDY.) The commission is informed that the employees generally are very well satisfied with the company stores in the mining districts of West Virginia. Do you suppose the commission would get valuable information on that subject by sending a subcommission to West Virginia districts to investigate?—A. Yes; I think they can get direct information.

Q. Do you think the miners would freely testify—those who work in the mines and are not organized?—A. Well, in this way, if they were informed that their names would not be used—that is, that the lash would not be held over them, they would give you the information. It would be otherwise if it were made public and the operators would find it out; the men would hesitate.

Q. (By Senator DANIEL.) Could we get it from the operators themselves if we put them on the stand?—A. You could from some of them. We have some fair operators in the State.

Q. (By Mr. RATCHFORD.) Has your organization ever declared against the company stores?—A. Yes.

Q. Has it ever declared in favor of a semimonthly pay?—A. Yes; almost every year.

Q. (By Mr. C. J. HARRIS.) In your experience, is there not more drunkenness among the hands and squandering of their wages when they are paid weekly than when they are paid monthly?—A. No.

Q. (By Mr. RATCHFORD.) Have you anything to say on the subject of fines and penalties?—A. No.

Q. Do the operators of your State usually house their miners?—A. Yes. At all the mines they own nearly all the houses the miners live in. Some call them houses, while others do not. Some have different names for them. They are usually made out of boards, what they call straight-up-and-down boards, with a narrow board on the outside to cover the seam between the two planks, and canvassed on the inside with what we call thick wall paper. In some few instances the companies have respectable houses. For those, though, they generally charge such a rent that the miners can hardly ever live in one of them.

Q. Are tenement houses and company stores in connection with the mines more prevalent in your State than in other mining States?—A. Yes; I think so.

Q. What, in your opinion, is the influence of the company store and the tenement house on the miners in case of strikes?—A. In case of strike, the first thing the companies do in our districts is to give you a vacation notice. The miners readily understand what that means; it means, Either go back to your work at my figures or get out. In most cases they have no place to go to, and the operators use it in the way of a threat.

Q. (By Mr. SMYTH.) If the mine owner does not furnish these houses has the miner the land, a place where he could build his own house?—A. No; speaking generally; but they could find them in a great many cases; probably buy from individuals.

Q. Some of these mines being in remote sections, if the houses were not built by the mine owners, there would be no houses there, would there?—A. No; not generally.

Q. In the beginning it was necessary to have those houses?—A. Yes; they have a system of buying all the land, or leasing all the land, thereby preventing a miner, if he wished to, from purchasing a little ground on which to build.

Q. (By Senator DANIEL.) Can you suggest any remedy for that?—A. Only in so far that if we can get a law preventing the leasing of all available land in connection with public works.

Q. (By Mr. SMYTH.) Their reason or excuse for leasing the land is to get the mineral right?—A. Yes; they lease almost all available land, and it is done with the intention, of course, of keeping any outside individuals from erecting stores to sell goods. Of course, they look after that point, and the miners are virtually compelled to rent their houses. When they do that they are placed at a disadvantage.

Q. Still, if the mine owner was opening up a new mine, if he did not build the houses for these people to move into when they came to work for him it would be a great inconvenience to the miners, would it not?—A. I can not say that. A great many of the miners would not be able to build for themselves.

Q. It is not the case, then, that the mine owner would have to have those houses to induce miners to go to work?—A. They claim that. I am not sure of it myself.

Q. (By Mr. RATCHFORD.) Have you any knowledge of any mine in your State or out of your State where the operator paid the scale of wages and failed to get enough operatives to operate his plant, even though he had no stores?—A. No; I do not know of any one instance.

Q. Is there any other business the coal companies are in, as coal companies, outside of the store and tenement house, and run in connection with their mines, or otherwise?—A. Yes; in some instances they have saloons in connection with their mines.

Q. Do they issue scrip that is good in those saloons?—A. Well, I find that scrip is taken there; whether by their authority or not I can not say. Their scrip is taken there and a man can go there and purchase.

Q. Any other business?—A. Not that I know of; possibly they do. Of course, in the saloon business it is a few cases; it is not a general thing.

Q. Is there any undue influence exercised, to your knowledge, in the employment of school-teachers in mining localities by the coal companies?—A. Yes; I might say so.

Q. Can you name any cases?—A. Can not recall them just now. On the twentieth question, "Difference in wage scales in different States and sections," I might say that there is a great deal of difference; for instance, in the States of Indiana, Ohio, Illinois, and a portion of Pennsylvania they receive about 17 per cent higher wages than we do in West Virginia.

Q. (By Senator DANIEL.) Do you mine much block coal in West Virginia?—A. Yes. Block coal is in the basin between Montgomery and Charleston.

Q. (By Mr. RATCHFORD.) What have you to say of the relative rates of wages during the past, within your recollection?—A. Well, 15 or 16 years ago, possibly 20, wages were considerably higher than they are now; and they have come down, of course, and gone up, at various stages since that time.

Q. (By Mr. C. J. HARRIS.) Is the average higher or lower now than it was then?—A. In my district it is lower.

Q. (By Mr. RATCHFORD.) How much?—A. From three-fourths to a cent on the bushel.

Q. (By Mr. C, J, HARRIS.) What did you make 15 years ago per day, and what do you make now per day?—A. Very often at that time miners would make from $100 to $150 per month. Now, if the very best miners reach $75 they think they are doing remarkably well. The usual price now won't reach $40 a month. If a man makes $75 now he has to have considerable help—he has boys in the mine.

Q. Is the cost of living as high now as it was then?—A. So far as I am able to judge I do not think there is much difference.

Q. (By Mr. RATCHFORD.) Can a man make $75 in the mine?—A. I say with the aid of his boys—couple of boys, children you might say—two men—that is the way they are rated in our districts—take in boys and try to make it appear that they are making big wages, not counting the help they have.

Q. What is the social condition at the present time as compared with the time you speak of? Has it improved or otherwise?—A. Yes; it has improved.

Q. You believe that the standard of the working people is getting higher, getting more intelligent, and making better citizens?—A. Yes; that is my observation.

Q. What have you to say regarding the employment of children?—A. I think the employment of children, especially in the mines, is a curse to them—hard labor is a curse to them; it has an effect upon the growth of the children, also prevents them from acquiring an education, which I think very essential in this life—makes good citizens of them. To make useful citizens in society it is necessary that they should have an education.

Q. What effect has it on adult labor?—A. It has a tendency to keep wages down, because a man who takes his children into the mines can take out more than a man who depends upon his own labor.

Q. (By Mr. PHILLIPS.) Are there many children employed in the mines of West Virginia, and at what ages?—A. I think there are as many as in any other State.

Q. (By Mr. C. J. HARRIS.) Should not children be taught to work as well as other things when they are young?—A. Yes; but I do not think they should be taken into the mines until after they are 14 years of age. We have a law preventing their employment under 12 years, yet it is not adhered to in all cases.

Q. (By Mr. PHILLIPS.) What per cent of children do you think are employed in the mines in West Virginia?—A. Possibly 10 per cent—that is, after they are 12 years of age.

Q. (By Mr. RATCHFORD.) The influence of organized labor on wages?—A. Organized labor has a tendency to increase wages.

Q. Is that the history of organized trade, as far as you know?—A. Yes.

Q. Increases in what way, usually—by strikes or by peaceful agitation; conciliation?—A. By peaceful agitation.

Q. Do you believe that wages are oftener advanced through that means than by strikes?—A. Yes.

Q. (By Mr. KENNEDY.) Has the work of organized labor an influence to build up the wages of unorganized labor?—A. It has the same effect on unorganized as it has on organized; they reap the benefit.

Q. They reap the benefit without carrying the burden?—A. Yes.

Q. (By Mr. RATCHFORD.) What have you to say in regard to the causes of irregularity of employment in the mining industry; is it due to seasonal causes, or what is it due to, mainly?—A. I find more employment when there is a good market for coal.

Q. Do you believe that excessive production has a great deal to do with it?—A. Yes.

Q. The shorter workday, its effects where adopted, economic and social; arguments for and against; what have you to say in regard to that?—A. I would say that the shorter workday enables the workman to devote more time to improving his intellectual faculties, making him a better citizen in the different walks of life. When a man works long hours of course he has not the opportunity to improve his mind. After a man works 10 or 12 hours a day he is so exhausted that what little time for study he has is no advantage to him.

Q. Does the shorter workday obtain in your trade now?—A. In a portion of the field it does.

Q. How many States?—A. States of Illinois, Indiana, Ohio, portion of Pennsylvania, and a portion of some of the Western States.

Q. How has it been gained, by strikes or otherwise?—A. Methods of conciliation.

Q. Has it been satisfactory to both parties?—A. Yes; it has had such a good

effect that the operators and miners reiterated their former agreement in our last national convention. It certainly must have been beneficial to both sides, or there would have been a fight, possibly, to do away with it.

Q. Are there any reasons for believing that the 8-hour workday is more fully due the miners than it is to men working on top of the ground?—A. Yes; I think so. One reason in particular is that the miners, as a class, have to breathe impure air all the time they are in the mines. They are not supplied with the necessary amount of pure air. They are shut up from God's sunlight, and they have to work in powder smoke, breathe foul air that mules breathe, and so on, and I think that is sufficient cause why the miners, above any other trade, should have a shorter workday.

Q. Do you believe that the shorter workday in all trades would have a beneficial effect?—A. Most undoubtedly.

Q. Operation of existing laws about screens, company stores, etc.—what have you to say about them?—A. We have a law in West Virginia directing all coal companies to weigh their coal before screening. The operators, of course, fought this law and we took it into the courts. At the first hearing the supreme court of our State, with the four judges sitting on the bench, decided it constitutional by a unanimous opinion. The operators asked for a rehearing through their attorneys, and one of the supreme court judges was in favor of the rehearing, and usually when one asks it they all consent, and they gave the operators a rehearing, and when the case came up on the rehearing two were for and two against. Since then we have had some cases come up from the various circuit courts, and sometimes the judge would declare the law constitutional and in another instance another judge would decide it unconstitutional, and the matter was referred to the Supreme Court of the United States, and we have never been able to have a decision rendered there yet.

Q. (By Mr. PHILLIPS.) How long ago was that case carried up?—A. I think it was in 1891 that the law was passed. I can not just remember when the case was carried up to the Supreme Court.

Q. Several years ago?—A. Yes; 4 or 5 years. That is the way the matter stands in regard to the screens. In the New River district they have the run-of-mine system.

Q. (By Mr. RATCHFORD.) You have an antiscreen law in West Virginia, and also semimonthly pay law, both of which are violated by the employers?—A. Yes.

Q. Have you any laws in restraint of company stores?—A. No; I believe not, excepting as to the prices charged for store goods—regulating the selling price of goods. We had a law, but it was declared unconstitutional.

Q. In looking over the laws of West Virginia we find there is a law which provides for the payment in lawful money; is that also violated?—A. Yes.

Q. (By Mr. SMYTH.) What provisions are used in West Virginia for pumping fresh air into the mines—engines?—A. Yes. They have in some mines the fans; in other mines they have what they call the furnaces. Still, there is not the proper ventilation in the mines.

Q. Are there any mines there that have no fans or furnaces?—A. I can not say there are, except mines just opening up; but there are mines having furnaces and fans in which the air is not sufficient.

Q. (By Mr. RATCHFORD.) What reason can you assign for the insufficiency of air in the mines?—A. Neglect of duty of the mine boss or the superintendent.

Q. How about the mine inspection; is the force large enough?—A. The force is large enough, but for some reasons unknown to me they do not enforce the laws.

Q. How many inspectors have you in that State?—A. Four districts, and one chief. At first there was one, and then it was increased to two, then to three, and two years ago they increased it to five. They have been increasing it at each sitting of the legislature. The chief mine inspector's explanation is that the laws are not severe enough; that he has not the authority; but I differ with him in that respect.

Q. Is there any peculiar condition there as regards coal, or any of the surroundings, which prevents as good ventilation as is had in other States if the same precautions are taken?—A. None whatever. I claim it is merely a neglect of the duties of the mine inspector.

Q. "Corporations, premium payments, profit sharing, industrial copartnerships, etc." Have you anything to state on that?—A. As far as my knowledge goes, we have one coal company paying a premium, on the cooperative plan; but that same company has the coal mined for less than district prices, and I think they pay their premium out of the difference.

Q. Do you call that cooperation?—A. No; I do not. Others do.

Q. Has your organization ever at any time encouraged the formation of coop-

erative companies composed of workingmen?—A. Yes. I think there used to be a system in the old Knights of Labor; I do not know that we had it in the Mine Workers; but it used to be embodied in our platform, urging cooperation.

In answer to the thirty-third question ("Effects of immigration on employment of skilled and unskilled labor; on wages; on morale") I will say, as far as my recollection goes immigration has caused wages to decline.

The school age of children in our State is 12. The law says they must go to school until they are 12 years of age, and not be employed in the mines during school session.

Q. Can children under 12 be employed at any time?—A. No; not according to our statute.

Q. How about sufficiency of public-school facilities?—A. According to my recollection, we have not a sufficient number of months of schooling in the State of West Virginia. The board of education usually has the voters decide whether they shall have an extension of 1 or 2 months of school in addition to the regular months provided by the law. We only have at present 5 months in the year, and of course it is not sufficient.

I believe there should be public night schools for the laboring people, especially those who are compelled to labor. I believe it would be of great advantage to the working people in general if they had an opportunity to go to night school.

We have a convict labor law in our State, but no convicts are employed in the mines, to my knowledge.

Q. (By Mr. KENNEDY.) How is the convict labor of your State worked?—A. They can be let out by contract.

Q. Are they let out by contract?—A. I think they are in certain cases; but none of them work in the mines, to my knowledge. I believe that convict labor should be employed in making the public roads of each county in the State. This would prevent them from coming into competition with honest labor.

Q. (By Mr. RATCHFORD.) You believe they should be employed at some kind of work?—A. Not if it comes into direct competition with men who earn their living.

My recollection is that machinery has had a tendency to cause labor to go down; yet it is not very successful in our State. Those operators who run their mines by machinery are getting pretty tired of it.

Q. Sanitary and personal-safety laws.—A. The laws in the State of West Virginia are very good, but they are not enforced, and the miners in a great many of the mines suffer for the want of pure air. We have a law in the State of West Virginia giving us the right to employ a check weighman, but when we undertake to employ one the companies generally kick, and kick pretty hard; that is, the general run of them. There are some few exceptions.

Q. Have you any arbitration board or arbitration laws in your State?—A. No.

Q. Do you believe such a thing desirable?—A. Yes.

Q. Do you believe that the mining prices should be equalized in the several States competing with each other, so as to give to employers and employees an equal opportunity to get the same returns on their capital and to obtain a living for themselves and their families?—A. Yes; that is one of the fundamental principles of our organization—to treat each and every operator with exact justice.

Q. In the different contentions that have arisen, was it the object of your organization to reduce the profits of the employer or to secure from the employers a share of that which the market afforded?—A. It has been our intention to really increase profits and at the same time give us a fair share.

Q. Has your intention been to encourage the employer to organize and maintain higher prices, to the end that you may get a share of it?—A. Certainly; that is our intention.

Q. Have you any suggestions for remedial legislation?—A. No, excepting that they should be uniform in the different States: and of course each and every sitting of the legislature we are there, by representatives, urging suitable mining legislation in conformity with the other States.

Q. (By Mr. PHILLIPS.) What State do you consider most advanced in mining legislation?—A. Illinois.

Q. (By Mr. RATCHFORD.) Is your organization on record in favor of the run-of-mine system?—A. Yes.

Q. Do you think laws in some of the States provide for this?—A. Yes.

Q. Do you believe that general laws in all of the States would be of advantage to the mining trade?—A. Yes; I believe it would be beneficial.

Q. Both from the miners' standpoint and operators' standpoint?—A. Yes; I think they would both be mutually benefited, because it would place them on equality. This brings us back to the mode of screening. At the present time some

mines have 1¼ inches, some 1½ inches, and some 2 inches. Those that have larger screens have the largest advantage, and in my district some of those that have the large screens really pay less for mining than those whose screens are 1¼ inches, for the simple reason that their miners are not organized and take any price the operators give them.

Q. You referred to the screens as being one of the principal causes of strikes?—A. Yes.

Q. If such a law were enacted, do you believe it would be efficient and beneficial in so far as it would remove that one main cause of contention and strike?—A. Yes; I believe if we had run-of-mine system in the entire competitive field, or in all of the districts, it would be beneficial and prevent many strikes.

Q. In your contention for the run-of-mine system, has your organization taken a position in favor of maintaining the prices that prevail under a screen system, or are you willing to reduce the mining price in proportion to the amounts of screenings?—A. Our organization has gone on record in favor of reducing the price of mining to equalize conditions in favor of run-of-mine system.

Q. (By Mr. A. L. HARRIS.) Would the run-of-mine system encourage what some operators call "dirty mining?"—A. It might in a few cases, but not as a rule.

Q. The objection would not be great enough to overcome the advantages of run-of-mine system?—A. No. We can bring up the same argument in regard to the screen. When they have a screen, we have the same right to expect they will employ inferior miners to get this small coal that comes through the screen.

Q. In regard to the product that runs through the upper screen, what becomes of the screenings?—A. They sell it—ship it to the market and sell it. As I stated a while ago, quotations in the Cincinnati market for screened coal were from 7 to 8 cents a bushel, and for nut coal and slack 4 cents per bushel.

Q. Have you a system of screens that separates the nut from the slack as it comes down?—A. Yes; some of them have.

Q. Some get nothing for that?—A. Nothing for either slack or nut coal. They claim they pay us a difference, but we do not see it in that light. So far as legislation is concerned, I would like to have legislation on this subject: The organization is in favor of an 8-hour workday—national 8-hour workday, and of all these mining laws, if possible, being made national.

Q. (By Mr. RATCHFORD.) Can you state the average wages per annum of a steady miner in your State, a man who will work every day there is work for him, during the past few years, or any of them?—A. I would say they make probably $350. It will not go over $350.

STATE OF WEST VIRGINIA, *County of Kanawha:*

I swear that the statements made by me of my own knowledge in the foregoing report of my testimony before the Industrial Commission are true, and that all other statements I believe to be true.

HENRY STEPHENSON.

Sworn and subscribed before me this 5th day of July, 1899.

S. CHAPMAN,
Notary Public in and for the County of Kanawha, and State of West Virginia.

WASHINGTON, D. C., *April 11, 1899.*

TESTIMONY OF MR. JOHN MITCHELL,

President of the United Mine Workers of America.

The commission met at 10.30 a. m., Vice-Chairman Phillips presiding. Mr. John Mitchell, president of the United Mine Workers of America, Stephenson Building, Indianapolis, Ind., was examined as a witness, the topical plan of inquiry on mining being followed.

Q. (By Mr. RATCHFORD.) You are a representative of the United Mine Workers?—A. I am president of the United Mine Workers of America.

Q. How long have you served in that capacity?—A. Since the 13th of January.

Q. Were you connected officially with the organization prior to that time in

any other capacity?—A. Yes; for the last two years I have held official positions in the organization.

Q. And prior to that time?—A. I was employed as a coal miner.

Q. The commission would like to know of the objects and regulations of your trade union, the constitution, funds, and benefit features of it.—A. I will quote from the preamble of our constitution (reading): "First, To secure an earning fully compatible with the dangers of our calling and the labor performed. Second. To establish, as speedily as possible and forever, our right to receive pay for labor performed in lawful money, and to rid ourselves of the iniquitous system of spending our money wherever our employers see fit to designate. Third. To secure the introduction of any and all well-defined and established appliances for the preservation of life, health, and limbs of all mine employees. Fourth. To reduce to the lowest possible minimum the awful catastrophes which have been sweeping our fellow-craftsmen to untimely graves by the thousands; by securing legislation looking to the most perfect system of ventilation, drainage, etc. Fifth. To enforce existing laws, and where none exist enact and enforce them; calling for a plentiful supply of suitable timber for supporting the roof, pillars, etc., and to have all working places rendered as free from water and impure air and poisonous gases as possible. Sixth. To uncompromisingly demand that 8 hours shall constitute a day's work, and that not more than 8 hours shall be worked in any one day in any mine worked. The very nature of our employment, shut out from the sunlight and pure air, working by the aid of artificial light (in no instance to exceed one candlepower), would in itself strongly indicate that, of all men, a coal miner has the most righteous claim to an 8-hour day. Seventh. To provide for the education of our children by lawfully prohibiting their employment until they have attained a reasonably satisfactory education, and in every case until they have attained 14 years of age. Eighth. To abrogate all laws which enable coal-operators to cheat the miners, and to substitute laws which enable the miner, under the protection and majesty of the State, to have his coal properly weighed or measured, as the case may be. Ninth. To secure, by legislation, weekly payments in lawful money. Tenth. To render it impossible, by legislative enactment in every State (as is now the case in the State of Ohio), for coal operators or corporations to employ Pinkerton detectives or guards, or other forces (except the ordinary forces of the State), to take armed possession of the mines in cases of strikes or lockouts. Eleventh. To use all honorable means to maintain peace between ourselves and employers, adjusting all differences, so far as possible, by arbitration and conciliation, that strikes may become unnecessary." Those are the purposes of the organization.

Q. Have you any beneficial features attached to your organization?—A. No; the funds of our organization are derived by an assessment of 10 cents per member per month for the national organization. The national organization has no benefit features; but in many instances our district and local organizations have sick and death benefits, accident benefits, etc., by which their members pay from 10 to 50 cents per month, and that is paid out so much per week to members in the event of sickness or accident. A death benefit of $50 is paid.

Q. Is that 10 cents per member a month, or any part of that, used for a defense fund or strike purposes?—A. Ordinarily no.

Q. Have you any such emergency fund?—A. No; in times of strikes we appeal to the miners of the country for financial assistance, by issuing an appeal to them to contribute from their earnings a part of their wages to support other workmen who are on strike.

Q. That is the common rule in your association, is it?—A. Yes.

Q. Does it serve the same purpose as a fund permanently established for that purpose would serve usually?—A. No; it is not as desirable, and it does not serve the purpose, for the reason that under that method one miner does not pay as much as another, and often there is not a sufficient amount of money raised to support the strike, to carry out the objects for which the assessment or appeal was made.

Q. Does this emergency fund enable you to win strikes at times that otherwise would have been lost?—A. Yes. In fact, the only way we have won our strikes has been by the funds that have been raised by that method.

Q. What has been the growth of your organization?—A. The United Mine Workers of America has increased its membership very rapidly since its organization. Its greatest growth has been within the last two years. There are employed in the coal mines of the entire country 397,701 miners and mine laborers. Of the total number about 78,000 are members of our organization, or about 20 per cent of the total number employed. Seventy-five per cent of our membership is confined to the four States of Pennsylvania, Ohio, Indiana, and Illinois.

Its membership as a whole is confined to 13 States and one Territory, namely: Pennsylvania, Ohio, Indiana, Illinois, Kentucky, Tennessee, Iowa, Kansas, Arkansas, Indian Territory, West Virginia, Alabama, and Michigan.

Q. What is the proportion, according to your judgment, of the organized miners?—A. Twenty per cent of the total miners of the country. Our per cent in those States is much larger. Ohio, Indiana, and Illinois have 70,000 miners, and nearly all of them are organized. The per cent is much less in other States.

Q. Does the influence of any action taken by your organization extend beyond its membership?—A. Yes.

Q. To what extent?—A. To the extent of securing for nonmembers the same conditions of employment in States where the organization is strong enough to make agreements with the employers. In other States its influence is favorably felt also. The organization, even when few in numbers, makes agreements that nonunion miners secure benefit from. By that I mean that in making our contracts and agreements, a contract or agreement never applies only to the members of the organization; it includes all miners, whether they are members or not, working in the mines where this contract is made.

Q. In case of a strike being ordered by your organization, what influence has that order upon nonmembers?—A. Very often the same as upon its members. They obey the order to strike frequently the same as the members do. They obey the mandate or agreement reached in convention, the conclusions of the conventions; that is, in States where we have an organization. States where there is no organization are not governed to any extent by our organization or the conclusions reached by it.

Q. (By Mr. C. J. HARRIS). Is there any fear or intimidation that leads them to join you in these strikes?—A. No; there is no intimidation.

Q. (By Mr. RATCHFORD). Is intimidation practiced by your union in the acquisition of members?—A. To a very small extent. Where our organization is so strong, where we get a very large number of miners organized, they sometimes refrain from working with men who are not members. There are isolated cases of that, the miners taking the position that as those men who are nonmembers have secured all the protection, all the benefits of organized labor, it is no more than fair that they should become members and pay their proportion of the expense.

Q. (By Mr, SMYTH). Are there colored members of the organization?—A. Yes.

Q. And received into full affiliation?—A. Yes; our constitution provides for their admittance as members; and in fact our obligation provides that we must not discriminate against any man on account of creed, color, or nationality.

Q. Have you the colored miners organized in West Virginia and Alabama?—A. In Alabama we have; not to any large extent in West Virginia.

Q. (By Mr. RATCHFORD.) Is that intimidation, if it be a proper word for it, that is used to influence men to join your organization one of your declarations of principles, or is it a custom that is sometimes resorted to by a local union?—A. It is not a declaration of principles, but exactly the contrary is true. Our organization only desires to have men become members by their own consent; and where that is done—they are only isolated cases—it is done entirely by the local union. They do not attempt to prevent the nonunion men from working, however.

Q. Are you affiliated with or allied with any other trade?—A. Yes; we are affiliated with the American Federation of Labor.

Q. What purpose is intended to be served by such an affiliation?—A. Mutual assistance in times of trouble, and principally to secure the enactment of such remedial legislation as may be necessary for the protection of working people.

Q. Have you found it advantageous to your trade?—A. Yes.

Q. Is the tendency of trade unions, generally speaking, toward affiliation with one another?—A. Yes; very much so.

Q. As to the incorporation of trades unions, feasibility, and legal effects?—A. I am not sufficiently familiar with the question to be able to answer it.

Q. Have you anything to say of the incorporation of trade unions?—A. I have nothing to say.

Q. What have you to say of your relations to nonunion labor and the right to liberty of contract?—A. We believe in a conciliatory policy and make every effort to induce nonunion miners to affiliate themselves with our organization. If they will not accept our proffers of friendship, and refuse to become members of our organization, we sometimes oppose them. By this I mean we do not make the same efforts to secure for them higher rates of wages or better conditions of employment. In some cases miners have declined to work in the same mines. On the matter of liberty of contract, I will say there is practically no liberty of contract. Miners must accept the terms of employment offered by employers or

receive no employment. The custom has been for employers to draft the contract themselves, and then request their employees to sign it; otherwise they receive no employment. In many cases this contract forces the miners to waive many of the rights and privileges which they believe to be absolutely essential to their liberty and happiness. For instance, it was specified in this contract that the employer should have the right to retain the earnings of the miners then in the hands of the company where the miner severed his connection with the company for the purpose of obtaining higher rates of wages and better conditions of employment.

Q. (By Mr. RATCHFORD.) You have said that there is no such thing as liberty of contract. In making that assertion, do you speak in general terms?—A. I speak of methods formerly employed by mine owners in making contracts with their employees. In the last two years an arrangement has been in force by which our contracts have been made by a joint meeting between the miners and operators in four States. For instance, in West Virginia, and many other States, the employer on the first of each year drafts a contract setting out the price per ton and the conditions of employment. The miner must either sign that or accept no employment. Miners are so poor and have so few opportunities that they are unable to leave that mining town, and it becomes a matter of absolute necessity to sign that contract. It requires the forfeiture of their earnings in the hands of the company if they fail to comply with the last letter of the contract they were compelled to sign. That is what is well known in mining circles as an iron-clad contract.

Q. (By Mr. C. J. HARRIS.) If you contract with the mine operator, you know you can sue him for breach. Now, on your side is it unfair for the men to give some guarantee that they will carry out their part of the contract?—A. At any time where contracts have been made mutually by the two parties it never required any guarantee of good faith by either party—always carried out any contract that was ever made, where it is made mutually. These contracts are not made mutually; they are made by the employer alone, and the employee can either become a party to it or he is refused employment.

Q. (By Mr. RATCHFORD.) When your association makes a contract with its employers, such as I believe was made in Chicago more than a year ago, and in Pittsburg more recently, is such a contract made of the free will of both parties?—A. Yes; it is a mutual contract, and in no instance has it ever been violated by the miners.

Q. (By Mr. C. J. HARRIS.) How long a time does it run?—A. For one year.

Q. (By Mr. SMYTH.) You have only had 2 years' experience, then, with this kind of a contract?—A. Some years ago we had the same method of adjusting our difficulties, but it went to pieces; it was not as successful.

Q. (By Mr. A. L. HARRIS.) In Ohio it has been in existence for a number of years?—A. Yes.

Q. (By Representative LIVINGSTON.) If a State law required a contract, which had the mutual assent of both parties, to be put in writing, would that help your mining people and be a protection to you?—A. I am inclined to think it would. However, as I understand it, these contracts have in many instances been carried to the courts, and the courts have held that they were contracts for the reason that, while it was true they were drafted only by the employers, the employee was not compelled to sign them in the eyes of the law. He had an opportunity of refusing; they did not force him to do it.

Q. (By Mr. RATCHFORD.) Please explain to the commission how these meetings were had, and how these contracts were made, signed, etc.—A. They were made by representatives of the mine owners and representatives of the mine workers' union meeting in joint convention, discussing the conditions of the market, competitive conditions, everything that concerns the coal industry, and as a result of their joint conclusions the contract is drafted and mutually signed by each party.

Q. Signed by the full representation or by some delegate?—A. Signed by the officers of the miners' organization, usually, and the delegates of the operators' associations.

Q. Are these operators' associations incorporated under the laws?—A. Not to my knowledge.

Q. They have an association that meets and draws up a contract?—A. No; they have not, I think.

Q. That being the case, you have no redress at law for the violation of this contract?—A. No.

Q. No more than the operators would have in case the miners violated it?—A. No.

Q. Is unskilled labor organized in your trade?—A. I will say that unskilled labor is organized in the mining industry in places where miners are organized.

Q. (By Mr. C. J. HARRIS.) Is not your organized labor rather hostile to unorganized?—A. I do not know that they are, as that term would imply it. There is no doubt that the opinion prevailing among organized miners is that one of their craftsmen who refuses to become a member of the trade organization is not only injuring himself, but is injuring the organized men, and we know it to be positively true that the wages of organized miners are affected by the lower wages paid unorganized miners. We believe it to be absolutely necessary that labor be organized, whether it be skilled or unskilled.

Q. As a matter of justice, do you admit that a man has the right to individual contracts, individualism in his contracts?—A. We recognize the fact that under the law he has the right to make those, but we regard the man who does it in the coal mines to be not only injuring himself but everyone else, and for that reason we disapprove of it. As a matter of policy, we condemn it.

Q. Is not the tendency of all your organizations to rather discourage individual superiority of one laborer over another; in other words, do they not tend to put every man on the same level?—A. Speaking for the miners' organization, yes. I want to make this qualification, that among miners there are no skilled and unskilled men, or very few. They are the same class of labor all the way through. We do not desire that the skilled workman shall receive as low wages as an unskilled laborer.

Q. (By Mr. SMYTH.) Could one man always make as much as another one?—A. He can if he works under the same conditions and if he is as strong a man; if he is physically able to do it. We do not seek to make our wage scale so that a weak man would earn as much as a strong one, because we work by the ton, and a strong man can always earn the most.

Q. (By Mr. C. J. HARRIS.) Is it your idea to conduct the payment of wages so that the man who mines his coal in a very dirty way shall receive about the same as the one who does it in a very skillful way?—A. No.

Q. Does not payment by the ton for the run of mine coal tend to that result?—A. Ordinarily speaking, I would say no. The skilled miner is the same as any other skilled workman. He seeks to mine his coal as well as he can under all circumstances. The run of mine system of mining coal, of weighing coal, would be an incentive for employers to employ skilled workmen in preference to unskilled men.

Q. Would it not be a benefit for some workmen to be very much superior to others?—A. That is not possible in coal mines. There are not the different classes or grades in coal mining that there are in any other industry. There is only one man out of every three or four hundred that can hold a position in a coal mine better than another one, and that would be a pit boss; but there is only one pit boss for each mine, so that the possibility of any large number of men becoming pit bosses is very remote.

Q. (By Mr. NORTH.) Do you not have overseers of sections?—A. Not usually in coal mines.

Q. (By Mr. RATCHFORD.) Would a man's strength, and his willingness to work, and his ability to produce in a proper way, assert itself as fully over an inferior or weaker man under the run of mine system as under the screen system?—A. Yes; the same difference exactly. The run of mine method of weighing coal places men more on an equality, as between different mining sections or different mines, for the reason that in different mines there is often employed a larger screen. The mine owner will put in a wider screen, and, as a result of that, a large per cent of the coal falls through the screen. The mine owner is able to mine coal cheaper than his competitor who is working with a smaller screen, and he then has advantages in the market and does the business there, and diverts it from the mines to which it properly belongs.

Q. What have you to say of strikes and arbitration?—A. There are many causes which produce strikes. The principal cause, however, is the resistance to reduction in wages, demands for increased wages, dissatisfaction with conditions of employment. Ordinarily our strikes have been in resistance to reductions in wages. There have also been strikes at mines because of the opposition of the mine owners to organizations, discharging men who were members of them, and in fact discharging men who took an active part in seeking to secure better conditions of employment, who spoke in meetings, etc., and attended conventions as delegates, and such as that. The men have often struck against the discharge of these men. We favor arbitration of differences between ourselves and employers, and ordinarily only resort to a strike when all other methods of adjusting our differences have failed.

Q. (By Mr. NORTH.) Public or private arbitration?—A. Our organization has gone on record as favoring arbitration, without defining the kind of arbitration it desires. I will say for myself that I favor public arbitration.

Q. (By Representative LIVINGSTON.) Compulsory?—A. No.

Q. What good would it do the United States Congress to pass an arbitration law if it was not compulsory and could be set aside on one side or the other?—A. I favor an arbitration law that would provide that arbitration must be held upon the application of either side of a contest or by the joint application of those engaged in the contest.

Q. That would be compulsory.—A. It would be only to the extent of making the award. I do not favor making the award compulsory.

Q. If the miners of West Virginia demanded an arbitration—a board of arbitration—and the operators refused, or vice versa, would you like to have a law to compel either party to accede, not to the award, but to the arbitration?—A. Let me explain that I favor a law creating a national board of arbitration, that would permit the board to go in and investigate a contest between employer and employee upon the application of either of them—a law that would give them a right to demand books, and all methods of investigation to determine the result. They make an award, and then I believe it should be a matter of public sentiment to enforce it.

Q. Why not go a step further and give either party the right to appeal from that award to the courts and then on up, if you want to, to the Supreme Court of the United States?—A. The objection laboring people have to it is that there is no way of enforcing an award of a board of arbitration except by fine, punishment, and so on. The only way you can enforce it with the employee would be by imprisonment. They have no money to pay fines; they have no property to put up as a forfeit, and the only way you could enforce it would be by imprisoning the miner if he would refuse to accede to the award of the board of arbitration; and for that reason we oppose it.

Q. Why do you want any law at all for arbitration, unless you want it complied with all along the line; do you just want to experiment with it?—A. No; we have such arbitration laws in States, and in instances where some of these arbitrations have taken place upon the application of one side it has done very much good; it has done a great deal to array public sentiment on the side of right. I do not know of one instance where the employees have ever refused to accept the award of a board of arbitrators when there was no law to bind them, that could compel them, but I have known of employers who have refused.

Q. (By Mr. PHILLIPS.) The State of Ohio has an arbitration law. Are you familiar with its workings? Have you had any arbitrations under that law?—A. I am not familiar with the arbitration law of Ohio. I am quite familiar with the arbitration law of Illinois, where we have had several cases.

Q. (By Mr. RATCHFORD.) What effect would a compulsory arbitration law, either of the States or nation, have upon either the employers or the employees in making demands that were unwarranted or unjust?—A. I am inclined to think it would encourage them, for the reason that either side might make a demand, knowing it must be arbitrated. In the hope of making better conditions of employment, the employees might do that; and the mine owners might do that in times of temporary depression and take their books before the board and point out that they were losing money on their investment. It is always true of coal that there are seasons when it is sold at nearly cost, but at other times they make very fair profits on their investments. At certain seasons of the year they might make a demand for a reduction of wages, call in the arbitrators, and secure a reduction in wages.

Q. (By Mr. SMYTH.) If the trade union was incorporated, how would that interfere; would the books be necessary?—A. Our books would not be necessary, because the books of our association never show anything about wages.

Q. Do they not show the agreement you make?—A. Yes.

Q. The agreement would show the wages, would it not?—A. But where agreements are made mutually there are no strikes.

Q. The agreements that you make are made public and put into the hands of all parties?—A. Yes. The very fact of an agreement being made would itself decide the award of the board of arbitration. The agreement would be evidence of itself that the employer had knowledge of a less rate of wages or the employee of a higher one, and necessarily there would not be any arbitration that would go into details. They would simply determine that you have an agreement, and properly so.

Q. (By Representative LIVINGSTON.) And stand by it?—A. Yes; certainly.

Q. (By Mr. RATCHFORD.) Has your organization any board of arbitration to act in case of emergency?—A. Yes; our national executive board is a board of arbitration for the miners.

Q. With power to arbitrate questions arising at all times?—A. Yes.

Q. Have you experienced any trouble with regard to your members accepting the decision of such board?—A. No; never have.

Q. Your association has followed the arbitration theory to the fullest extent in all cases before resorting to a strike, has it not?—A. Not in all cases. It is my opinion that at times when the market has become so demoralized and so chaotic that it has been necessary to engage in a general suspension of work in order to restore prices in the market, to make it possible for employers to pay living wages, in that case arbitration, I understand, has not been offered by the miners for the reason that it could not have any good result. Prices have been so demoralized at certain seasons, and run along for a year at a time, that it would be impossible for employers to pay higher rates of wages unless a suspension took effect, to take out of the market the coal that was stocked there, as was the case in 1897.

Q. (By Representative LIVINGSTON.) From your observation and from statistics you have at your command, have your miners lost as much by strikes as they would have lost by reduction of wages?—A. No. I will say the miners never lost anything by a strike. They never lost anything by being thrown out of employment one month. It is my opinion, however, that strikes among coal miners, when they are general in their character, tend to stagnate the business of the country, increase abnormally the cost of coal to the consumer, and result in extreme hardship to the purchasers of coal, particularly those engaged as wage-earners in other trades. In the miners' strike of 1897 they remained on strike 84 days. The miners worked as many days in that year as were worked in the preceding year, a year that had no strikes; and yet the amount of money earned in 1897 was more than that earned in 1896. This is accounted for by the fact that a higher rate of wages was paid after the strike than prior to it. The employers suffered heavy losses from the strike because of the necessity of their expending large amounts of money during strikes keeping property in repair, etc. The longest strike that has ever taken effect in the coal mines—that is, general strike—was that of 1897, when the miners remained idle for an average of 84 days. That year they worked more days than they did in the year preceding, in which there was no strike. The possible production or the capacity of the mines of the country is one-third greater, or 40 per cent greater, than the possible consumption of coal; so it is impossible for the miner, even under the most favorable circumstances, to work more than two-thirds of the time. Two-thirds of the time will produce more coal than is consumed. Last year, or 1897, the miners worked an average of 185 days.

Q. On your theory it is the employer and not the miner who loses the money by a strike?—A. Yes; that is true in a general strike. In a local strike or sectional strike the miner sometimes loses money; but to take all the strikes in which the coal miners have been engaged, the miners have gained rather than lost by their strikes, by preventing reductions in wages or obtaining increased wages. When strikes are only sectional, then the coal is supplied from some competing district. Then the miners in that district, those who have worked, gain money that would have gone to the striking district, and while the miners as a whole, in the aggregate, have lost nothing, the miners in some particular sections have lost. In 1897 the miners worked an average of 179 days. There were employed in that time 897,701 miners. They produced in that year 200,221,265 tons. The capacity of the mines is all of 100,000,000 tons greater than that. It would indicate that the capacity of the mines is about 40 per cent greater than the present output of them, and that the miners are necessarily thrown out of employment one-third of the time, or 40 per cent of the time.

Q. And then the miners do not complain of that as a hardship? They know it is the natural result?—A. Yes; they recognize that as a natural result. They take the position, however, that inasmuch as they can produce as much coal as is consumed in the country in two-thirds of the time, the hours of labor should be reduced to as many hours per day as would produce 200,000,000 tons.

Q. If in two-thirds of the time you can mine all the coal that the world wants during the whole 12 months and you reduce the hours of labor so as to employ all the time, making it an 8-hour day, that would throw all the loss of the output on the employer and the miner would get the entire advantage, would he not?—A. No; I think not.

Q. Do you want the wages the same?—A. The same per ton; that would make no difference. We do not work by the day, but by so much per ton.

Q. (By Mr. PHILLIPS.) Is it a fact that a man will dig as much coal in 8 hours as he would in 10, or about, at that kind of work? Does he not become so exhausted physically that he can do as much work in 8 hours as in 10?—A. I think a man can do more physical work in 8 hours than in 10. You occasionally meet a man that will dig more coal in 10 hours than in 8, but the average man will not.

Q. (By Representative LIVINGSTON.) I only wanted to see if you were not endeavoring to throw too much expense on the mine owner.—A. I do not see where we throw any. If coal is mined at 40 cents a ton, it is only going to cost the mine owner 40 cents. The cost to the mine owner is exactly the same, because he only pays at so much per ton, anyhow. It does not matter to the mine owner whether a man mines 20 or 2 tons of coal. There is no increase in cost to him.

Q. Unless the wear and tear of the plant and the management of the plant during the idle hours?—A. I think this is a very small matter.

Q. (By Mr. RATCHFORD.) Would time wasted be any more under the 8-hour system than under the 10-hour system?—A. No; exactly the same. It would be the same at the end of the year.

Q. You have the 8-hour workday in the four States in which you advise us that 75 per cent of your organization exists?—A. Yes; the States of Pennsylvania, Ohio, Indiana, and Illinois. I want to say further on the matter of cost of keeping up the mine at times when the mine is idle that if a mine worked 200 days at 10 hours a day it would amount to 2,000 hours' work for the year. At present they have worked 179 days, while there are 306 working days in the year; taking 200 days for my illustration, if they divided those 10 hours into a lesser workday, the mine would be idle exactly the same number of hours, anyhow.

Q. What have you to say of methods of strikes, boycotts, blacklist, and sympathetic strikes?—A. At times strikes are inaugurated at one mine or in one district; at other times what are termed general strikes occur. A general strike is only resorted to when the coal market becomes so demoralized and chaotic that it is absolutely necessary to curtail production, so that prices of coal may be restored and it is possible for employers to pay a higher rate of wages. The boycott is sometimes resorted to by employees. By this I mean that the miners refuse to purchase coal or other product which is not produced by union miners, or under fair conditions of employment. The blacklist has been one of the worst weapons labor has had to contend against. For instance, if a miner was discharged by a coal company for insisting upon better conditions of employment, or trying to induce his fellow-workmen to join his labor organization, he often found it impossible to find employment in the State where he then resided. It has always been difficult for our organization to secure proof that this method has been resorted to by employers. It is a well-known fact, however, that in the State of West Virginia if a man dares to assert the rights guaranteed him by the Constitution of the United States he is deprived of the opportunity to earn a living for himself and family by his employer, and many times is unable to secure employment at any other mine in the State. Sympathetic strikes are, in our judgment, not only justifiable, but many times absolutely necessary, by reason of the fact that the capacity of the coal mines is so much greater than the possible consumption of coal that when one district is compelled to engage in a strike, either in opposition to a reduction of wages or for an increase in wages, the markets can be supplied by mines in other districts, and this has often been done without loss or profit to the employers that engage in the contest. The operators in the district where work has not been suspended would enter into a combination with those in the striking district by which they would supply the trade and contracts of the operators on strike, giving them a share of the profits which accrued to those supplying the trade. This method made it necessary at times for miners in other districts to engage in what are called sympathetic strikes. Another reason which makes sympathetic strikes justifiable is the fact that coal is sold on such close margins that where the operators of one district secure, by strike or otherwise, a mining rate that is less than that paid in competing districts, it is only a question of time until the miners in other districts must accept either a less rate of wages or the business will be diverted from the districts to which it properly belongs, and will be secured by the operators paying the lower rate of wages. It is our experience that wages often are reduced in one district and not in another. The business that properly belongs to the district at work where higher wages are paid is diverted to the district where the lower rate is paid, thereby causing extreme hardships to those employed. The miners have grown to recognize the prevailing competition so well that they volunteered a reduction of 16 cents a ton in order to give the mine owner an opportunity to retain his trade and business. That was done in the Pittsburg district, Pennsylvania, and miners in Ohio volunteered to the employer a reduction in wages.

Q. Did the employers request that that be done?—A. My understanding is that they had drawn the attention of the organization to the fact that their business was being diverted, and the only way they could run was by the miners accepting less wages, and the officers and members of the organization recognized the fairness of that position.

Q. Speaking of the trade being diverted to the cheapest point of production, do you find that this is caused sometimes by operators who are hostile to each other in a business sense, or do you find some operators will own mines in the different districts, and because of their large ownership of mines they will divert the trade to the cheapest one?—A. Yes, that is often true. Many operators own mines in Ohio and Pennsylvania. Ohio operators also own mines in West Virginia, and they often leave their mines almost idle in Ohio and Pennsylvania and mine their coal for markets in West Virginia, where it is mined the cheapest.

Q. Have you anything to say on the importation of new or foreign labor under contract or otherwise, or the operation of the law forbidding the importation of contract labor?—A. Within recent years the importation of new or foreign labor has not been as serious a factor in determining the wage question in coal mines as it formerly was. Years ago shiploads of immigrants were imported from continental Europe, and were brought to mining points where miners were contending for better conditions of employment, and were given work that formerly belonged to American citizens. It appears, however, that the coal operators discovered that this class of labor was not as desirable as they had anticipated, for the reason that after being in this country for some time and becoming dissatisfied with conditions of employment themselves they would engage in strikes, and often, because of their inability to understand the English language and our form of government, they would resort to lawless acts, sometimes going to the extent of destroying property. The law forbidding the importation of contract labor has assisted materially in preventing employers from securing foreign labor to displace American labor.

Q. What has been the experience of your organization in treating with that class of labor? Are they hard to control?—A. Sometimes extremely so. I speak of the non-English speaking people.

Q. (By Mr. C. J. HARRIS.) Are they more lawless than the other miners?—A. When they engage in a strike it is more difficult to control them than the English-speaking people. The immigrants from English-speaking countries of Europe have never been difficult to control, because they understand trade unions before leaving there.

Q. (By Mr. PHILLIPS.) And the understanding of English, perhaps, has something to do with it?—A. Yes.

Q. (By Mr. RATCHFORD.) What have you to say of the injunction in strikes?—A. Well, I would say that the injunction has been one of the most effective weapons that has ever been used to intimidate labor. We have cases where injunctions have been issued against our people, naming some few of our leading members and including all others, not naming them, who were members of our organization, enjoining them from the commission of crimes that they never intended to commit; enjoining them from walking on the public highways under the pretext that they were going forth for the purpose of destroying property, when they never intended to destroy it, and it is a matter of our industrial history that men have been imprisoned for months for contempt of court and had a trial afterwards for the crime they were supposed to have committed, and were never convicted of it, as in the case of Eugene V. Debs, in Chicago, who served 6 months' imprisonment for violating an injunction, and they never convicted him of the crime that he was supposed to have committed.

Q. Have you any cases in mind where an injunction was in operation to the disadvantage of your organization?—A. Yes. In the strike of 1897 an injunction was issued against one of the members of this commission, Mr. Ratchford, and many others in West Virginia, restricting them from approaching mines or roads that do approach mines, and in fact, curtailing many of the privileges we usually regard as American liberty.

Q. How do you know they never intended to commit those acts? What was the history of the strike of 1897?—A. My chief reason is that we have had no intention of committing lawless acts. They had approached those mines prior to that time along the same streets, and did not commit any lawless acts. We had nearly 100,000 men engaged in the strike, and not one single act of lawlessness.

Q. What is the entire period covered by that strike, 84 days?—A. Yes.

Q. (By C. J. HARRIS.) Would there not be sufficient ground, where a large mob got together, of apprehending serious, unlawful acts such as to warrant the interference of courts?—A. No.

Q. What has been the history of coal mining strikes as a general thing in regard to violations and mob law and intimidation of others who wished to work, who were not organized labor?—A. I know of no instance in which a riot has been precipitated where it was because of the unlawful interference on the part of

the strikers. Most of my experience and observation has been that where riots have been precipitated it is because of the interference of Pinkerton men, armed guards, etc., attempting to intimidate the strikers. I might, as an illustration, draw your attention to Virden, Ill., where colored miners were imported from the Southern States, accompanied by armed guards, nonresidents of the State of Illinois. At that time the union men were gathered from all surrounding towns to meet those men when they arrived for the purpose of trying to induce them not to go into the mine and take their places. As soon as the train arrived the armed guards on the train, seeing the large number—thousands of miners—fired upon them and killed several of them; then the union miners took up their guns and returned the fire; the result was that 9 miners were killed and about 10 of the guards. The colored miners went on through and escaped. The forbearance, and the desire on the part of union miners to be lawful can not be overestimated in that case. The governor of the State of Illinois did not go to the trouble of calling out his troops to protect the colored men, who were then in Springfield, because he had perfect confidence of the union miners protecting them. In times of strikes the union men are never sworn in as guards to defend the property; the employer prefers to get guards from other sections.

Q. You use intimidation to prevent men from working in case of strikes; can you then justly complain of the courts intimidating the intimidators?—A. I know of know instance where they compelled men to refrain from working by intimidation.

Q. I understood you to say in your previous testimony that there was some intimidation?—A. I said at mines at work, where the mines were in operation and the union men were governing the mine, that they many times refused to accept employment if nonunion men were with them. I did not, however, refer to strikes at that time.

Q. (By Mr. RATCHFORD.) Do you believe you have the same right to assemble on the public highway as in a city hall?—A. Yes.

Q. Do you believe the working men on a strike should have the same rights as politicians or public meetings of any kind?—A. Exactly the same right.

Q. Without any fear of injunction?—A. Yes.

Q. Have you any cases or instances on record of any of the leaders of the miners' union directly or indirectly encouraging violations?—A. Exactly the contrary is true. They have always advised that care be exercised in observing the law. Without exception, the leaders of the miners always caution that care be used not to violate the law.

Q. (By Mr. C. J. HARRIS.) I do not doubt that in the case of the leaders; but as an actual fact is it not true that there are instances of actual violations—throwing of missiles, abusive language, and other overt acts—which would distinguish this from a common political meeting such as suggested here?—A. I will say from my own experience that I have seen more missiles thrown at political meetings than at labor meetings.

Q. (By Mr. RATCHFORD.) You are of the opinion that the injunction is a very great advantage to the employers in their efforts to deal with organized labor and a consequent disadvantage to the workmen?—A. Yes; I regard the injunction process to be the most dangerous weapon that has been used against labor, and I dare say that there is nothing that has done more to destroy the confidence of the working people in the judiciary of this country; that miners are usually very law-abiding, very patriotic, love their country, and respect their courts; but since this process of issuing injunctions against them has been inaugurated they are losing respect; they feel at times that the courts are against them, and it is a common expression during strikes, when injunctions are applied for, "The courts are against us—the troops are against us." They feel that the Government, through its judiciary, is not acting impartially between employee and employer.

Q. You believe that the injunction should be used where it properly belongs?—Yes, I believe in its proper application; I believe, however, that the laws are sufficiently stringent and severe to punish a man for a crime. I contend that the courts ought not to anticipate that a body of miners, of American citizens, are going to commit a crime; they have no right to assume you are going to commit a crime. These applications for injunctions have invariably been made through the mine operator or some man who had come there to take the place of the striking miner. One case I can relate at present, where thousands are about to be deported from Indian Territory for striking for better conditions of employment and the right to belong to labor unions. As soon as we ask a hearing on it, those men will leave the Territory who had sworn to this application for an injunction, showing that the injunction is issued often under unfair circumstances. The persons whom they are issued against often do not know that an application has been made for it. They issue temporary injunctions.

Q. (By Mr. C. J. HARRIS.) Would an injunction against a man who intended and meant to act in a perfectly legal way affect or harm him in any way?—A. If the injunction only provides that you shall not violate certain laws, we do not mind it. We take it as American citizens that the Government has no right to issue injunctions saying you are enjoined from the commission of a certain crime. We believe the law saying we shall not do that is enough.

Q. (By Mr. SMYTH.) Are all members of your coal miners' union American citizens?—A. No, not all of them.

Q. Are not a large proportion of them unnaturalized residents of this country?—A. No, I should say not; a very large per cent are Americans.

Q. A large number do not speak the English language?—A. Yes; part of Pennsylvania, where the organizations are not strong.

Q. You admit the right of the mine owner or operator to work what class of labor he pleases in his own mine?—A. Yes.

Q. It is his property?—A. Yes.

Q. If he chooses to prefer nonunion labor or imported labor from other States, has he a legal right to do so?—A. I suppose he has a legal right.

Q. Has he a moral right?—A. In my opinion he has not a moral right. I take the position that a coal company derives its right to exist from the State, and as soon as a corporation becomes a menace to the community it ought not to be there.

Q. Are not some owned by individuals?—A. Chartered by the State.

Q. Can not a man operate a mine without a charter?—A. I think ordinarily the coal companies are chartered. Speaking of the moral right of a corporation to import men from one State to another to work for any wages they feel disposed to pay, they have no right to do so for this reason: Ordinarily American citizens settle at a mine; they buy a home there; they become citizens of a place; they have interests there; they have helped make the mine and are a part of it. A reduction of wages is offered, which they refuse to accept. The employer goes down South or some other place and imports a large number of coal miners to take their places. It drives them away from the homes they have worked so hard for, driving their children on the streets or the town. They have no moral right to bring them there. When labor is imported from one point to another, it is generally under a misapprehension, misrepresentation that no trouble exists; that wages are much better than they are; that they can earn $3 and $4 a day. These men are brought there and do not find the conditions as they expected and consequently are not themselves benefited as largely as they should have been. It is my opinion that stringent law should be enacted making it illegal for corporations to advertise for men under false pretenses, to bring men from one point to another under misrepresentations.

Q. Do the miners own their own homes to a large extent in Illinois, Indiana, and Ohio?—A. It is to a larger extent in Illinois, Indiana, and Ohio than in other places.

Q. Are those men American citizens or foreign element?—A. Very largely American.

Q. (By Mr. KENNEDY.) Has the injunction been used largely for the purpose of preventing the miners from coming in contact with those who come to take their places, so that miners can not use lawful means to persuade them not to take work?—A. We believe that is the purpose of it, to prevent miners who were trying to get better conditions of employment from meeting and talking to the men who were at work.

Q. (By Mr. RATCHFORD.) Does the injunction usually restrict men from committing certain acts of violence; or does it restrict them from attending public meetings in anticipation of acts of violence; or does it restrict them from coming into that territory for any purpose?—A. Sometimes they are different in their character; some restrict them from all of those; from holding public meetings; from walking on the public highways, approaching property of coal companies where men are at work, and, in fact, they are got out in different shapes. Then there are what we call "blanket" injunctions. It includes every man that mines coal at times, every member of our organization; for instance, an injunction issued in Pennsylvania would include myself if I was in California.

Q. In case an employer found it necessary to import men, because of his inability to secure men to perform his work at the prevailing rate of wages that was paid in that district, would your organization object to it?—A. On the contrary, we would favor it.

Q. If your members at any time refused to work for the employer at the prevailing rate of wages, would your organization aid the latter in securing labor?—A. Yes; we have instances where our men have refused to work at the prevailing rate of wages, and when we called on them we told them they must either return to work or we would put men in their places.

Q. What methods prevail in your trade in the matter of wages and methods of payment?—A. In the States where our organization is strongest, the method of payment is by cash and coupons, store orders, etc. Payments are semimonthly, and we favor weekly payments; but our agreement is for semimonthly pay. I might say on the advantage of weekly pays, their advantages are best demonstrated by semimonthly as compared with monthly pay, which prevailed some time ago. It is only within recent years that miners have received a semimonthly pay. Laboring people can, when paid weekly, purchase provisions and other necessary supplies much cheaper than they can when they only receive payment for their labor once a month. This is accounted for by the fact that they are enabled to pay cash for articles purchased, instead of being compelled to purchase on the credit system. In mining centers the business interests have been largely benefited by the shorter pays and have not as many accounts unsettled as they did prior to the establishment of the semimonthly pay. The prevailing system in mining towns up to within the last two years has been to retain at least one-half month's earnings of the employee, this amount being continually held by the employer; for instance, if a man was employed on the first of the month he would not receive any pay until the 15th of the following month; he would then be paid for one month's work. You will readily understand that a miner, under these circumstances, would be compelled to buy on credit for at least one month and a half, or 45 days, before he would be able to pay any of his accounts. The two-week pay is an improvement, and we believe the weekly pay would eliminate all those objections. Another reason why weekly pay would be an advantage to the miners is the fact that when the pays are less frequent men are compelled often to buy provisions in company stores. This inducement would not be if their pay was given them each week. Provisions are purchased lower and much cheaper for cash than on credit.

Q. Do you have time or piece work in your trade?—A. The usual method in our industry is by tons; so much per ton.

Q. You have some day work, however?—A. They have a class of labor that works by the day; what we call mine laborers; men who do not mine coal; men who keep the mine in repair.

Q. How many such men are there on an average around the mine?—A. I think it will not exceed 7 per cent.

Q. In this connection you said the 8-hour workday has been granted?—A. Yes.

Q. When the employers granted the 8-hour workday did they grant with it that those men working by the day receive the same rate of wages for the day's work as they formerly received under the longer workday?—A. No; when the 8-hour workday was established in the mines the men working by the day were reduced in proportion—two hours.

Q. Was that voluntarily done on the part of your organization?—A. It was done by agreement with the operators.

Q. Have you any sliding scales or minimum wage scales?—A. No.

Q. (By Mr. NORTH.) What are the reasons that the sliding scale method can not be introduced into the mining industry as in the iron industry?—A. It has been little discussed by the two interests, the miners and the operators. Some years ago we used to have it locally. I think the sliding-scale wage would be very much favored by the miners provided a minimum wage scale was fixed that would give the miners a living wage; otherwise I do not think we would favor it; if by agreement we could fix a rate and we would receive no less. In Alabama they have that method; the wages of the miner are based on the fluctuation of the iron market.

Q. (By Mr. SMYTH.) That is, the iron miners—the coal miners too?—A. The coal miners too.

Q. (By Mr. NORTH.) Why is that not feasible?—A. It is feasible, providing a minimum wage scale exists.

Q. Is it not practiced in the English mines to some extent?—A. I think that it is. I understand that the organization in England has a method by which wages advance or decrease.

Q. What do you mean by living wage?—A. A wage that would afford a worker a sufficient amount of money to enable him to live as we believe workingman should live, educate his children, clothe them properly, and to save sufficient to enable him to live when old, if he live frugally and reasonably correct.

Q. Do you think the operator should pay that wage irrespective of whether he can do so without a loss?—A. No. If they all paid it there would not be any loss. That would be a solution of the entire question, because if they all paid it that would fix the price of coal.

Q. Fix the price of coal in the market?—A. It would certainly fix it so far as the operator selling it is concerned. As it is, of course they all do not pay the

same rate of wages, and the market becomes overstocked by coming in and trying to cut prices.

Q. (By Mr. RATCHFORD.) According to your definition of a living wage, have you that to-day?—No; the miners have not, generally; in some of the States we have.

Q. (By Mr. PHILLIPS.) What you would consider a living wage for all would be such wages as would support a man with a family, regardless of whether he is married or single or has a family of 5 or 8 children?—A. That would permit him to have a home of his own. If he was not married he would have saved money, or he would get married, I suppose.

Q. (By Mr. NORTH.) Are most miners married?—A. Yes; as large a per cent as other citizens, I believe.

Q. You have a theory that a certain wage should be paid, irrespective of the earning capacity of the men?—A. No; I believe a living wage should be fixed.

Q. You regard living wage and minimum wage as synonymous terms?—A. No; minimum wage might not be a living wage to one part of our men; it might be to another; there are so many different standards of living. This is virtually true; there are many different classes of men who work in our mines—for instance, the people of continental Europe—the standard among whom is not as high as among the men American born.

Q. You think that a living wage should be fixed for all miners and a price put on the products in the mines and paid all persons engaged in mining operations?—A. Do not understand that I agree that the minimum wage or sliding scale would be feasible; but I agree that the sliding-scale method of fixing wages would be a part of the business, providing a minimum wage scale was fixed that would enable us to earn enough to support our families. However, I do not know of an organization that has advocated that within recent years.

Q. Suppose the cost of production under these circumstances were such that it cut off a great many poor people who had families to support, would it not create as much trouble in another direction?—A. I think not, for the reason that coal is cheaper in America than any country on earth.

Q. They would have to arrange, then, that wages paid other people would be enough to enable them to buy the miners' product, and give them also the opportunity to support their families. Would it not involve, in other words, a contract to be applied to all business vocations in which there were employees?—A. The price between wages paid now and what would be paid to the miner makes very little difference on 1 ton of coal, and necessarily would affect to a very small degree the producers of coal; for instance, the average price paid for mining coal now is 40 cents a ton; if that was increased to 60 cents a ton and the miners got a general average price, it certainly would not involve a hardship—20 cents a ton. A poor person only buys 1 ton of coal a month, so the effect would not be far-reaching.

Q. (By Mr. RATCHFORD.) What is the cost of coal in this country as compared with other coal-producing countries at the mines?—A. I think perhaps the coal is worth at the mines $1 a ton more than it is here, and I think the price is $1.75 at the mines. It will average about 99 cents at the mines here.

Q. Have you the figures of the approximate cost of coal in Great Britain in the mine?—A. No; I have not the figures with me.

Q. What is the average price at which it is sold at retail to the manufacturing and city centers?—A. I am not aware of what the average price is. I know that it varies very much on account of long and short hauls, etc., and upon different qualities of the coal.

Q. How much of the cost of the coal to the consumer is involved in transportation?—A. I think that the largest part of the cost of coal ordinarily is transportation.

Q. If you would take the average cost of coal at the mines and the average retail price at the center of consumption, could you tell whether or not it varies according to the transportation?—A. Ordinarily the price of long hauls is greater than short ones; the open rates are greater. However, coal is often hauled a long distance and sold cheaper than when it is hauled a short distance, owing to the competition and the grade of the coal.

Q. Owing to the competition transportation causes?—A. I think principally on account of the cheaper production and the better quality of coal. It may be of a better quality than coal mined close and sold at a less price.

Q. What have you to say of store orders and payment in kind?—The system of paying miners in store orders and coupons, etc., prevails almost generally in mining districts. The miners are universally opposed to it, and have always been; never held a convention that they did not pass resolutions condemning it. Many

of the States have passed laws making it unlawful, but they have been evaded by the companies placing the store in the name of some other firm or carrying the matter to the supreme court and having the law declared unconstitutional. Nearly all mining laws have been declared unconstitutional by our State supreme courts on the grounds that they abridged the right of private contract.

Q. (By Senator DANIEL.) You could not entirely annul agreements with the miners about the payment in checks and orders?—A. I presume that if the miners would sacrifice a sufficient amount of their pay to make up the difference, it can be done. That the system is unfair was demonstrated by the miners of Pennsylvania, who, at one time, attempted to make what was called a uniformity agreement among them. It carried with it a reduction of 5 cents per ton, provided the companies would abolish the stores, showing the miners are losing about 20 per cent of their wages because of this pernicious truck-store system.

Q. Do you think mines are sometimes continued in operation because of the profits of the store enabling the operator to continue, whereas if he had no store he would be obliged to shut up his mines?—A. I think where the truck stores prevail generally one operator must have them as well as another. If one operator closed his store, he would necessarily go out of the market. He would not have the same advantage as his competitor.

Q. Do you think there are any mines kept in operation by the profit of the store, whereas if there was no such store the mine would be closed?—A. No; I do not think the profits are so close that it would close their mines if the stores were abolished.

Q. (By Mr. RATCHFORD.) Do we understand that your organization has agreed to accept less wages for cash payments in Pittsburg?—A. I am not sufficiently acquainted with that transaction to know whether the organization itself gave its guaranty or not. I know the members and officers and conventions favored it.

Q. Does that carry with it that the operators who have no stores in connection with their mines are suffering a disadvantage, as compared to those who have stores, that is at least fully equal to the amount that the miner offers to work for less than the prevailing rate in order to get cash payments?—A. Yes; I think it does. It is unquestionably a disadvantage to the man who has no store. The profits in the store are often very much, for the reason that they do an enormous business. Many of their employees deal there when they do not desire to. I do not mean at present that they are compelled to, but there are better conditions of employment given to men who deal there; they can earn more wages. The one who refuses to buy there is often given unfavorable conditions of employment, and I have had cases come under my observation where the mine foreman would pass around and tell the men they had better buy more goods at the store—"You are not dealing much there now." The result has been that other business interests in the town have suffered to an extent that has been very undesirable.

Q. (By Mr. SMYTH.) But you have failed in every effort to close them by law?—A. Yes. In Illinois a law was enacted closing the truck stores. The company men, in evading the law, did not change the store, but when an employee went to the office and asked for a check it was understood he could get goods. The company would throw down $5 in cash, and as soon as it was down the clerk would pull it back again and throw it in the drawer and give him the check. The inference was that he bought the check with money, and that he got the $5 and traded it for the check, although the person did not get his hand on the money.

Q. (By Mr. KENNEDY.) You seemed a while ago to admit that if in a mining district a great number of the operators had company stores it was necessary for all of the operators to have them to compete, and then right after that you said that you did not believe the margin of profits was so close that it was necessary for any operators to have stores.—A. I say that while the company-store system prevails an operator operating in a district surrounded by company stores, in order to sell his coal to the same advantage that his competitors do, must have a company store. I do not believe, and I want it understood that way, that it is necessary for any operator to have a company store. The entire system ought to be abolished.

Q. You admitted that if certain mines in a district where the stores were general did not have stores they might be compelled to go out of business.—A. The chances are that he would be so crippled that he would be at a disadvantage.

Q. (By Mr. RATCHFORD.) Where a mining company owns the land, or at least where it has built the mining town, where there are 200 to 500 or 600 miners living, or even more, does the company allow other men to come in there and start another store? Do they allow competition in that business in that town?—A. Well, there are exceptions where they do not, but usually they do. Other stores can come and engage in business.

Q. In those cases the employee has no alternative, has he?—A. No; he is compelled to deal there.

Q. (By Mr. C. J. HARRIS.) Are not these stores a necessity in isolated places?—A. They may be at the time the mining town is started, but as soon as a fair number of men move there many others want to come in there.

Q. Is one of the objections of the laborers to trading at the company stores this, that whatever they owe is certainly deducted, and they have to pay, whereas if they trade with outside parties they can either pay or not, as they please?—A. No; I think that is not stating the objection right. The real objection is that they want to pay their bills; they desire to pay for what they buy with their money. They do not want the company to deduct it without the company giving them an opportunity to pay.

Q. (By Mr. SMYTH.) What inducement would there be for a merchant to indiscriminately credit the miners?—A. There would be no inducement. If the truck stores were abolished and weekly payments were established, the miner would certainly be able to pay all the time, without having credit. We very much disapprove the credit system.

Q. (By Mr. RATCHFORD.) What is the experience of merchants who are doing business in mining towns, trusting the workingmen for their necessaries from one month to another; that the miners, as a rule, pay their bills?—A. Yes; they invariably pay them when they can. If they earn enough to pay for their living they pay for it, and that is the testimony and experience of business men in mining towns.

Q. Can you furnish this commission with any such testimony from merchants operating stores in mining villages where there are no company stores?—A. Yes.

Q. (By Representative LIVINGSTON.) Have you ever tried the cooperative store as an offset against any oppression that may come from an operator's store?—A. Yes. Our organization, as a whole, has not; but there have been cooperative stores often; frequently done.

Q. Is not that a clean-cut remedy for oppression on the other side?—A. No; for the reason that the men who deal in the cooperative store often do not get work. The man who deals in his own store does not get work; does not get as favorable conditions of employment; their opportunities to earn good wages are lessened.

Q. (By Mr. C. J. HARRIS.) Would not the outside store that gave indiscriminate credit lose so much in bad accounts that it would have to make its prices as high or higher than a company store, which, deducting these accounts at the end of the month, would lose nothing?—A. I think that is true.

Q. (By Representative LIVINGSTON.) Do you sign a contract to trade at these stores?—A. No. Our people sign an order for the money. They can legally collect it and keep it. They sign an order, and the very fact of not signing a contract does not lessen the reason why our people do it. It is a condition of favorable employment. There is a constant fear on the part of the employees that if they do not trade there they will not be treated as well. I regard a truck store as a standing menace to the welfare of the people of a community. It is a continual standing intimidation to the employee.

Q. Afraid not to deal there?—A. Yes.

Q. (By Mr. RATCHFORD,) Have you anything to say of fines and penalties?—A. Ordinarily in mines the only fines and penalties are for loading unclean coal. They take so much of your wages for doing it—very frequently more than should be taken—and then by discharge. I will say that our organization has laws requiring the miners to load clean coal. If we knew of miners loading unclean coal we would be the first to reprimand them for it.

Q. Has your organization or its representatives, to your knowledge, ever sanctioned the discharge of a man who refused to do what was right in this respect?—A. In many instances, where he repeatedly refused to do what was right.

Q. Believing he was doing an injury to his fellow-men as well as to the company?—A. Yes; we recognize the fact that upon loading clean coal depends the welfare of the operator as well as the employee. I want to say that the operators have frequently abused the privilege, for loading a piece of sulphur, for instance, not intentionally. It is impossible in coal mines for a miner to keep out all impurities. When it is loaded, and the miner does not see it, it is wrong then.

Q. The fines imposed on the men are not money fines, but rather fines on his day labor—dock so much coal from him—is that right?—A. Yes.

Q. (By Mr. SMYTH.) That is practically a money fine?—A. Yes.

Q. (By Mr. RATCHFORD.) Mine tenements—have you anything to say on that subject?—A. The tenements at mines are usually built of the very cheapest material; small in size, without any of the conveniences necessary for comfortable homes; no sanitary provisions; built in long rows, without fences in most cases;

in fact, most undesirable places to live; charges for rent exorbitant; and in many cases an employee pays as much rent in 3 or 4 years as the entire cost of the building amounted to. Usually a tenement house is built with straight boards; it is not weatherboarded in many cases. In distinctively mining towns, where no other industries prevail, you find straight boards, sometimes not plastered. Then the person who moves in them puts wall paper on at his own expense. They often have from three to five rooms. A 3-room house ordinarily rents for $4 a month, 4-room house for $6 a month, and 5-room house for $8 a month. The cost of building them is very little, because of the cheapness of the material and the manner in which they are built. They are built very close together; probably 20 feet intervenes between one house and another, and probably one well will be sunk for 12 or 14 houses. I know of cases that came under my own observation in West Virginia where one well would have to suffice for 14 houses. Closets are also built one for three or four houses. They are very undesirable and unhealthy. Sanitary conditions are not at all proper, and, in my opinion, should be regulated by law.

Q. What is the general effect of the tenement house and the store being both operated and owned in connection with each coal mine?—A. The effect has been, in many instances where tenement houses were built by the companies, that there was no inducement for the miners to build homes of their own. The same influences are brought to bear upon a man to live in the company tenement house as to deal in the company store. The employee who will live in a company house is more desired by the company than one who lives in his own home. It is a very good source of large profit. The companies want them there because in times of labor disturbances they are more readily induced to return to work, because they can be ejected.

Q. (By Mr. SMYTH.) In the establishment of a new mine is it necessary for the mine owners to build new houses for the miners to live in?—A. Under those circumstances that is necessary; but these houses ordinarily are not built for that purpose, because if a company starts a mine in a large town where there is a large amount of vacant property they usually build, anyway.

Q. (By Mr. RATCHFORD.) Do you know of any employer who has been unable to get the amount of labor he desired, even though he did not build houses or own a store?—A. I do not know of any.

Q. What is the difference in wage scales in the different States and sections?—A. The wage schedule is practically the same in the States governed by our organization. The earning capacity of a man is about the same where we make our agreements.

Q. What have you to say of the relative rates of wages during the past 50 years?—A. I am not familiar with the relative rates of wages paid for the past 50 years, but I will say for the past 15 years the wages have undergone a constant downward tendency until 2 years ago, when our organization became so strong, and since that time we have regained some of our former losses.

Q. Has not the cost of your living decreased for the last 15 or 16 years, steadily?—A. Not in the proportion that wages have.

Q. (By Mr. SMYTH.) Does not a dollar buy more to-day than ever in the history of this country?—A. I think not. I think it won't buy more provisions in a mining town than ever before.

Q. (By Mr. C. J. HARRIS.) Have you any data on that point?—A. No; I have no data here, but I could easily submit to the commission the price lists of provisions in some mining towns, and I think they will be very conclusive proof that in many of our mining towns the price of living has not decreased in proportion to wages.

Q. (By Mr. SMYTH.) Can you give us the price list for the present year and 15 years ago? We could not make the comparison annually unless we had the two.—A. Comparing the prices in mining towns with those in ordinary cities would give the same result.

Q. (By Mr. RATCHFORD.) Has the standard of living of the miners increased during the time you speak of?—A. Yes; the desires and necessities of miners have increased the same as those of other citizens. They desire better homes, more luxuries, reading matter, etc.

Q. Social condition of labor during the past 50 years.—A. I have nothing to say on that more than that the large influx of immigrants into the mining districts during the past 50 years has done a great deal to lower the standard of living of the people there. The people from the non-English-speaking countries of Europe have made the change.

Q. (By Mr. SMYTH.) Would you say the conditions of miners are lower than of other avocations in this country?—A. I would say it was, in districts where the foreigners predominate.

Q. You believe that the presence of those people has prevented the same social advancement that otherwise would have taken place?—A. Yes.

Q. Is almost all the coal mining of Alabama done by negroes?—A. I am not aware that most of it is. I think about half of it is.

Q. So the effect on the white labor of the South, on account of the colored labor, would be the same as in the North on account of this influx of foreign population?—A. I think not to so great an extent, for the reason that the colored laborers of the South are not as desirous of working hard as those who are brought from Lithuania, Italy, Poland, Hungary, and those places. They come here, feeling at first that they are going to get wealthy. They used to work 15 hours a day. Stayed in the mines. The colored laborer of the South will not work hard. They are easy-going, and, while they will accept employment at low wages, they will not work as hard as will a man from continental Europe.

Q. (By Senator DANIEL.) Where the 8-hour system is adopted, do the men occupy themselves in other employments any portion of the working day?—A. No; it is impossible for them to. There is no other employment for them.

Q. You spoke about those men working 15 hours a day in the mines. Would they do the same thing all the time?—A. In the mines, they formerly did. They do not do it now.

Q. (By Mr. C. J. HARRIS.) Why were they doing that; to get money ahead?—A. I presume they were doing it for the purpose of accumulating money.

Q. What did they do with that money; go back to Europe?—A. It was a fallacy. They only believed they could accumulate money, but they did not do it. Some of them did buy little homes. Experience has shown that these long hours do not earn any more wages than the short. They came here, not understanding the laws of nature, and they thought they could work 15 hours a day and do double as much work as in one-half the number of hours.

Q. (By Mr. RATCHFORD.) What has been the influence of organized labor on wages?—A. The influence of organization on the wages of the miners has been very perceptible, and has secured for the miners, at least in some of the States, a fair share of the wealth their labor produces.

Q. (By Representative LIVINGSTON.) Do you not view these labor organizations as an absolute necessity, as a set-off against combinations on the other side?—A. Yes; I regard labor organizations as an absolute necessity.

Q. From the fact of the other side being combined?—A. Whether they did or not. It is probably more so now when the owners of property and mills and factories have combined, but it would be absolutely essential under any circumstances. There is no condition under which a labor organization could be dispensed with.

Q. You do it simply recognizing the fact that you are the weaker element in industry and, being the weaker element, you must organize for self-defense?—A. Yes.

Q. (By Mr. RATCHFORD.) Has there been any increase or decrease in number employed in your trade?—A. There has been a very large increase in the number employed; and at the present time 40 per cent more are employed in the mines than are required to produce the amount of coal produced annually.

Q. What are the effects of the employment of children?—A. The effect of the employment of children in coal mines has been very disastrous indeed. Miners work in foul and unhealthy air, even under the most favorable conditions, and where children are employed it necessarily injures their health, stunts their growth, and prevents the development of their mental faculties. Many times, too, because of less cost, boys are employed to perform the labor of men. Most of the mining States that are populous have, within recent years, enacted laws requiring that a boy must be at least 14 years of age before he can be employed in a coal mine. In States where our organization is strong they have a 14-year limit. I believe that is so in Pennsylvania, Ohio, Indiana, and Illinois. Those laws have been secured largely through the influence of organized labor—our organization and others. The effect of the employment of children is to decrease wages, by often making the child the breadwinner of the family; father thrown out of employment, while the boy supports him instead of the reverse being true.

Q. Does the influence of child labor reach into all classes of miners? For instance, if you find a man with three or four boys, and you find another man who, perhaps, has as large a family of girls; in one case we have three or four who are at work, in the other case we only have one who is the breadwinner of the family. If it comes to a question of competition between those men, who will succeed, and why?—A. The one having the boys would, because they would obtain work in the mine.

Q. Where no organization exists and the employer lays down the terms of employment, can the man who has the boys to help him always work at a less price than the man who has not.—A. Yes.

Q. What remedies, if any, would you suggest regarding the employment of children?—A. It is my opinion that such laws should be enacted as would prevent the employment of children in mines or factories until they had reached a reasonable age, and after that it should require that the hours of labor be regulated; for instance, a boy coming into the mines at 14 should not be required to remain in the mines as long as a man. That would be necessary in order to insure his health. I think a boy ought not to be in the mines more than 4 hours when he first starts to work there.

Q. Do you believe 14 years is a proper age at which to install them in the mines?—A. No; I think not. I think the age limit should be 16 years. Ordinarily a boy can not secure an education by the time he is 14 years of age.

Q. What are the hours of labor in the several States, and do you have Sunday labor?—A. We have an 8-hour work day inPennsylvania, Ohio, Indiana, Illinois. About two-thirds of the miners of Iowa, half of the miners of Kentucky, and some of Tennessee work 8 hours per day. Sunday labor does not prevail but to a very limited extent in the coal mines.

Q. (By Mr. PHILLIPS.) The 8-hour day is for the miners alone, or is it general?—A. Miners only; miners and mine laborers.

Q. Is that enacted by the States?—A. No; it is an agreement between the miners and the employers. No State legislation on it at all.

Q. (By Mr. RATCHFORD.) What are the effects of the shorter workday?—A. The effect of the 8-hour workday in mining States has been most desirable. It has given employment to many men who, prior to its inauguration, were unable to secure work. Eight hours is a sufficient length of time to exhaust all men who perform hard labor. It has given laboring men more time to develop their intellects, and consequently has raised the standard of citizenship; has permitted men to spend more time with their families. It is my opinion that a law should be enacted, as far-reaching as it is possible for it to reach, making 8 hours a legal workday. There are several reasons why laboring people usually require this 8-hour workday; not only for the protection of their lives and to give them more time for the development of their intellects, but there are now so many men who have no employment that paths are being beaten along all railroads by men seeking employment.

Q. (By Mr. SMYTH.) Are there many men in this country out of employment to-day?—A. Not as many as there were sometime ago, but very many are out of employment; in fact, there is no industrial center where hundreds of men are not out of work, and the newspaper offices, when they post their bulletins of wants in the city where I am—a thrifty city, Indianapolis—crowds congregate there; men and boys start off to run to get a job. We believe that an 8-hour day, if established generally, would give employment to these people. Many of them have families and homes, and are good citizens. The fact that people have been out of employment has done as much as any other one thing to make men criminals. Unable to secure employment, they have become thieves, not in the general term, but they have stolen something to eat; they have degraded themselves and have gone from bad to worse; become frequenters of saloons and other bad places. It is my opinion that more good would result were a law enacted establishing an 8-hour day than any other one thing I can think of.

Q. (By Mr. A. L. HARRIS.) Have you in your mind a law that can be enacted by a State or the different States that could be made operative?—A. No; I understand it can not be done to make it apply to anything only work for the Government, or on product bought by the Government. I believe that the Government should require that where anything that is bought or manufactured for it, the contract should provide that the men only be employed 8 hours a day on it. The influence of a Government declaration, making it as far-reaching as under the law they can, would reach out and would eventually include all of the industries of this country. The trade-union movement everywhere is demanding the 8-hour workday.

Q. (By Mr. RATCHFORD.) What has been the experience of the miners and operators of those States you have mentioned from the time they agreed to adopt this 8-hour day? Is it mutually satisfactory to them. or is it objectionable to either party?—A. The employees have raised no objections. A very little has come from the employers. There has been some slight objection. They say that, ordinarily, if it were general they would prefer it to a 10-hour workday or a longer workday. Their objections have only been that it was not general and did not apply to their competitors in other districts.

Q. When such agreements were made they were made for how long?—A. One year.

Q. That year has expired.—A. Yes.

Q. What became of it?—A. A new agreement was made, on the same conditions, containing the 8-hour workday.

Q. Was that evidence of satisfaction?—A. Yes.

Q. (By Senator DANIEL.) Have you had much observation of the difference in the character of the work or the difference in the conditions of the workingmen when a day's work is 8 hours, and 10 or more?—A. In coal mines it is rather difficult to find the difference in the character of the work, but there is a difference in the men who work 8 and those who work 10; there is a great difference. The men who work 8 hours show all the indications of study. Usually, they are becoming more healthy, they are devoting more of their time to reading, and more at home with the families. In the winter months when they worked 10 hours, it was dark when they went to work and dark when they got home. Often children would not see their father for a week; they would be in bed when he left home and in bed when he came back. Under the 8-hour system he does more reading than he did formerly.

Q. (By Mr. RATCHFORD.) What are the hours of labor of miners in Great Britain, where trade unions are the oldest?—A. In most parts of England it is 8 hours, but in some parts 6. There is one county that is very thickly populated with miners where the hours are 6.

Q. Both parties, so far as you are aware, favor the shorter workday?—A. Yes; it has done very much to improve conditions in Great Britain. Miners have been raised from the very lowest standard of living until to-day they are regarded as among the most respectable class of citizens.

Q. When you stated that miners went to work early and returned late prior to the adoption of the 8-hour workday, did you refer to unorganized miners?—A. Yes; organized miners worked 10 hours. The organization always required that men work no more than 10 hours prior to the establishment of the 8-hour workday.

Q. Was trade diverted into the districts where the miners worked the longest hours?—A. Yes. Where the longest hours were worked, all mines having fixed expenses, those working the longest could necessarily produce work the cheapest. There is no question but that working those long hours reduces the fixed expenses, and they produce work somewhat cheaper, and those who buy coal buy it where they can buy the cheapest.

The history of short hours has always been increased wages. That has been invaribly true. Wherever hours became shorter, wages increased. Day labor, for instance, will increase, and has increased wherever hours have been shortened.

Q. The matter of day labor alone would make the greatest difference, would it not?—A. It would be the principal difference.

Q. (By Senator DANIEL.) How was that when they got paid by the ton?—A. The day laborer does not.

Q. (By Mr. RATCHFORD.) Would a uniform workday in all of the States have a tendency to distribute the trade and give to each mining district its natural market?—A. That has been the experience so far—that it has distributed the trade equally, or as near as possible among the different districts, giving each of the operators his share of the business and his share of the profits; giving each of the miners their share of the work and an opportunity to earn their share of the wages.

Q. (By Mr. C. J. HARRIS.) Does that system give a fair chance to the ambitious man who is trying to get more comforts for his family and lay by money for a home?—A. There are men who for a time might go into a mine and work for 14 or 15 hours hard and earn considerably more wages, but for the protection of the class as a whole it is required that such men as those curb their ambitions, which practically mean the destruction of their health in the long run.

Q. Do you think it is hoggish for a man to want to get along in the world?—A. If he does it at the expense of somebody else; and working long hours on the part of one man necessarily means that some other man will have to work long hours.

Q. (By Mr. RATCHFORD.) What has been the operation of existing laws as to screens, company stores, etc.?—A. The laws which have been enacted for the regulation of screens and company stores have almost invariably been declared unconstitutional by the supreme courts for the reason that they abridged the right of private contract. I know of very few laws that have been enacted by State legislatures that have stood the test of the Supreme Court. In the mining States for a number of years the miners' organization and other organizations have sent lobbyists to the State legislatures asking that laws be enacted to abolish the truck stores and the screens and such things, and those requiring weekly payments, and they have always been declared unconstitutional.

Q. (By Mr. NORTH.) You think there is no form of law to cover these abuses

that would come within the Constitution?—A. Our experience has been that there is not; we have tried different laws. I have had some experience myself as a representative there in the interest of the organization, and we have tried framing the laws in different ways, and had our best attorneys draft those laws, and it appears that we have always been defeated in the courts.

Q. (By Mr. A. L. HARRIS.) You think there is no chance of framing a screen law, making it general in its application, to stand the test?—A. I am sure I do not know of any way. I do not know any way that it can be done in the State legislatures. It is my opinion that if laws were enacted that would prevent the intimidation in any way, or the influence of mine owners and employers from preventing their employees from becoming members of labor organizations, that the organizations themselves could do a great deal to regulate those abuses. But our difficulty has been that either by intimidation or compulsion, by making unfavorable conditions of employment, men have not been free to join labor organizations. They have not been free to assert what is certainly their right.

Q. Twenty per cent of the miners of the country belong to the organization?—A. To our organization. I may say there is another miners' organization in the Western States, called the Western Federation of Miners, that probably embraces, I think, from 6,000 to 7,000 coal miners.

Q. (By Mr. SMYTH.) Is there a miners' organization of West Virginia?—A. Yes; there is an organization that is composed of operators and miners; that has a very small per cent of miners in it. In fact, I think there is hardly 1 per cent of the miners that belong to it. Its strength, at least, is not known to us to be stronger than that.

Q. (By Mr. PHILLIPS.) About how many coal miners are there in the country?—A. Three hundred and ninety-three thousand.

Q. And the organization takes in how many of them?—A. Seventy thousand. I want to say that it is difficult for us to tell from our books what our membership is. We have a paid-up membership of 64,000. Our members who are on a strike are not paid up and, of course, we are unable to tell just what they are. We have a large membership that do not pay up that are actual members of the organization and their local unions do not send their full capitation tax to us, so we are not able to estimate the exact strength of our organization—that is, in numbers—but we know we have a paid-up membership of 64,000. We are numerically the strongest labor organization in the world.

Q. (By Mr. NORTH.) You mean by that in proportion to the total?—A. No; I mean merely that we have more members than any other labor organization.

Q. (By Mr. PHILLIPS.) In this country?—A. In numbers in the world.

Q. (By Mr. KENNEDY.) It must be, then, that you have a very large number whose dues are not kept up?—A. We have quite a number, but I think our paid-up membership is, from my information, stronger than any other.

Q. I am authoritatively informed that the international typographical union pays a larger capitation tax than any other?—A. They pay a larger tax, but they only pay on 30,000. They pay a larger capitation tax to the American Federation of Labor than we do. We pay on 16,000, but that does not help to tell the strength of the union, because they do not pay their full capitation taxes; but we are paying more this year than they do. We are paying on 30,000 members to the American Federation of Labor.

Q. (By Mr. PHILLIPS.) How many are there embraced in the American Federation of Labor?—A. The last report showed nearly 700,000.

Q. (By Mr. KENNEDY.) Do you know anything about the strength of the Knights of Labor?—A. I do not know its strength; it is regarded as being not strong.

Q. Practically extinct?—A. It is the opinion prevailing among trade-unions that they are losing strength every day; that their members are leaving them and affiliating with the American Federation of Labor.

Q. (By Mr. RATCHFORD.) Have you any cases in any of the States in which laws enacted in relation to screens or company stores have been found to be constitutional?—A. Not that I know of; I do not know of any.

Q. Coming to the fifth subdivision, cooperation, premium payments, industrial copartnership, etc.; what is the position of your organization on those topics?—A. I will say that as to the matter of regulating wages or division of profits, that our organization has never taken, to my knowledge, any action on that matter, and I do not know of any instances where profit-sharing has been introduced in the mining industry except the testimony given here yesterday of one case in West Virginia; that is the only instance I have ever heard of.

Q. Does your organization encourage cooperation—mining companies, for instance?—A. To some extent. We have a provision that permits cooperative

mining companies to retain membership in our organization, which practically gives it an indorsement. We favor cooperative stores.

Q. Have you anything to say of plans for improving the condition of workingmen: old age and service pensions?—A. In my opinion the Government should require that comfortable homes be furnished for the miners where they are built by coal companies; that they should have proper sanitary regulations and be built in a manner that would insure the health and comfort of those who reside in them. I think, too, that a plan whereby a portion of the profits of the mine owners and a portion, a per cent of the earnings of the miners, should be set aside and established as a sick-benefit fund. A fund to protect and care for aged miners when they become so old they are unable to work longer and support themselves would be an advisable reform.

Q. What have been the effects of immigration on employment and wages of skilled and unskilled labor?—A. My experience has been that the effect of the unrestricted immigration has done a great deal to depress wages; that it has driven from employment men who were entitled to the protection of our Government; and I take this position myself: it is my opinion that a law should be enacted prohibiting immigration of foreigners to this country at the present time for the reason that they are not only injuring American workingmen, but that, because of the advertisements that are spread through Europe, Continental Europe particularly, setting forth the better conditions of employment here than there, large numbers are induced to come to this country, who, when they get here, not only injure American workingmen but are deceived and injured themselves by finding the conditions of employment not as represented to them by the steamship companies who have advertised the favorable and desirable conditions of employment here.

Q. (By Mr. KENNEDY.) Do you believe that those workingmen in this country who are of foreign birth and are in the labor organizations are in favor of restricting immigration?—A. My experience is that they are now. There is, of course, a large element among them who are influenced by sentiment or feel that such views as those might be regarded as knownothingism, that men would have no regard for a man because he was foreign in some other country; but looking at it in a broader view, the men who come here not only injure us but injure themselves, and I find a few among a large number of them favoring a restriction of immigration.

Q. The president of the American Federation of Labor is of foreign birth himself, and he is in favor of it?—A. I do not know his views on it.

Q. (By Mr. NORTH.) Have you ever taken a vote in your organization on the question of immigration?—A. No; never have. I understand the convention of our organization some time ago took quite strong grounds on the restriction of immigration, but not to prohibit immigration.

Q. (By Mr. A. L. HARRIS.) Do you remember what that restriction was?—A. I think at the time it was passed it was intended to apply against bringing labor in under contract; the contract labor which used to prevail very extensively, where employers would go to Continental Europe and contract for shiploads of those people. In fact, it is a matter of common knowledge among trade-unions, and coal miners particularly, that a few years ago a large shipload used to be brought here and kept by their agents at the port where they landed, ready to be sold out to striking companies; taken there to break up the strike and to be moved on giving their padrone, I think they call him, the right to pay so much apiece for those men to take them down and break the strike.

Q. (By Mr. PHILLIPS.) About what per cent are of foreign birth engaged in the mining industry?—A. We have no data on it, but it is my opinion that one-half of our employees are of foreign birth.

Q. What per cent of those are citizens of this country?—A. I will say that at least 75 per cent are citizens. A few years ago that was not so true, because at that time they were importing these non-English-speaking people by shiploads here, but that has been restricted.

Q. Are those of foreign birth favorable or unfavorable to restricted immigration, especially those who have come to this country within the last five or six years?—A. I would say that those from English-speaking countries would favor restricted immigration. I do not think that would be true of those from the non-English-speaking countries; they favor free immigration; they are desirous of bringing their people to this country.

Q. (By Mr. KENNEDY.) The foreigners who come to this country and engage in coal mining, who are not from English-speaking countries, are generally from the south of Europe, are they not?—A. Yes.

Q. (By Mr. RATCHFORD.) You speak of 25 per cent of those people being non-

citizens. Do you mean 25 per cent of the miners as a whole or 25 per cent of the one-half who are foreigners?—A. I speak of 25 per cent of the non-English-speaking foreigners.

Q. Do you care to make any suggestions for the regulation of immigration?—A. I favor the enactment of strict immigration laws, restrictive laws, and I think, too, that the system of permitting people to be induced to come to this country by false representations is entirely wrong, and if it could be restricted or prevented, it should be done by law. The effect of people coming here has been that they have driven from employment American workingmen, who were getting, probably, living wages; and the immigrants coming here who have no employment are compelled because of poverty to work for less, and the immigrant does not understand the trade-unions ideas, and often takes employment of some men which should go to our own citizens, and causes them to join the great army of the unemployed and become tramps on the highways.

Q. (By Mr. A. L. HARRIS.) Will you please briefly outline the restrictions you would impose?—A. I would say that I have not given this matter the thought it deserves possibly, and could not very well outline just what restrictions should be imposed. I understand, of course, that a person who takes a position that the people coming from one country are not as welcome as those coming from another is liable to be represented as not having broad views. I do not need to tell this commission that I am not at all narrow in my views on the matter, but immigrants who come here from England, Ireland, and Scotland are, from a trade-union standpoint, much more desirable than those coming from other countries. The French people and German people are very good trade-union people, because they have trade-unions in their countries; but I know of no trade-unions in Hungary and Italy, and those people have been undesirable as far as our organization is concerned. I believe that the wage earners of the country, as a whole, would be benefited were we to have an entire prohibitory immigration law at the present time. We have so many men unemployed in the country that they would not discover that they needed workingmen for a good many years, if there were no more immigrants that came here; this being true, too, that the immigrants coming to this country can no longer go on to farms, no longer go out West and take up vacant land and become self-supporting, because farming, like every other industry, has become so now that only those who can buy improved machinery are able to make a living at it.

Q. (By Mr. PHILLIPS.) You would favor the entire prohibition of immigration?—A. Yes; I would favor it for a limited time.

Q. Regardless of the family ties on both sides of the water? There are many relatives, father or brother or sisters, in Europe, that would like to join their families here.—A. I would not want to go to that extent of preventing the relatives of those who are already here from coming; but, of course, I understand that is an endless chain, that there is no end to the relatives; if they all came they would still leave relatives there.

Q. (By Mr. RATCHFORD.) Can you inform us fully of the recent trouble in the State of Illinois between the colored and white miners?—A. Colored labor has been and is now being used for the purpose of reducing the wages of workingmen. They are imported in large numbers from Southern States to Northern States during strikes, lockouts, and labor disturbances, and are put in the mines, frequently working under guard. To prevent this it is my opinion that laws should be enacted making it a criminal offense for employers to induce laboring men to leave their homes and go to other places under misrepresentation. I might say, gentlemen, that the colored laborers have probably been used more to decrease the earnings in the mines of the workers there than in any other industry. The mine owners of the North and of the South, too, go to centers of industry and even into cotton fields; they induced those colored men to go to some other Northern town or mining town to take the places of the men when they are on a strike. They bring them in there in train loads under armed guards, and they unload them into the mines. Those people when they get down into the mines are able to earn about $1.50. It is more than they get picking cotton or doing the ordinary roustabout work they do in the South. They have taken the places of the white miners and necessarily driven them from the towns they developed, where they have been living all their lives. I know of no element that is doing more to create disturbances in mining circles than is the system of importing colored labor to take white men's places and to take colored union men's places. Our organization does not make any distinction between classes; we regard the colored men fully as much entitled to protection as white men; we make no conditions. It is required that our organization shall treat them without discrimination. We have had during the last year many disturbances in

which lives have been lost and property destroyed because of the importation of these people from the South to the North. Information reaching us last night tell of the conflict at Pana, Ill., between the colored people and the white people, where the coal companies have imported colored people to take white people's places, and let me say this is done under most peculiar circumstances. In the conference between the miners and the operators, where the operator contended that his scale of wages was made too high, he appealed to our organization to have it remedied, to have it changed. Our officers immediately called a convention of miners and employers, both the interested parties, let them discuss the matter in all its details, and both of those parties refused to do it, claiming that the scale was exactly right. The company still refused to start the mine, and when the board of arbitration came together that is appointed by the governor, we agreed to submit it to them and they investigated the case, and they too declared that the scale the miners were demanding was fair, and that the company had just as much opportunity to sell its coal as any other company. The company again refused to start the mine. They appealed to the president of our organization and he appointed a committee to confer with them, and they found and declared that the scale was fair and that the company had not done as they agreed, and this company refused to open up its mines, and they went down South and brought these colored people up there and that resulted in the conflict at Pana. They were brought in there to take the places of the miners at the scale of wages which had been made by the miners and which the company refused to accept. The reports from Pana are that they shot five people. Many innocent people were in the fight and were injured, and among those innocent people were one lady, who got her arm shot off, and a man, a merchant there, who got shot in the back. This was brought about by the colored people imported from the South attempting to prevent their own number from leaving the town, to go away from there. Some of them had been induced by our boys to go away. They were doing nothing, and carried no arms but pocket knives, when their people who were there to take their places came out with guns and tried to stop them, which resulted in the riot.

Q. (By Mr. SMYTH.) Do the colored miners work for a less wage in Indiana and Illinois?—A. They do not; the wages of the miners who are organized are exactly the same.

Q. In the nonunion mines of Alabama they work for less wages.—A. Yes; they do work for less. Their standard of living is not as high, and consequently they must work for less.

Q. As a rule the colored miners are satisfied to work for less, are they not?—A. My opinion is that usually the colored persons in the mine are not satisfied to work to a large extent at all; but when they do work they will accept less than the white men.

Q. They are not so desirable a class of miners?—A. No; their standard of morality is not as high as that of white people; they are not as desirable citizens.

Q. (By Mr. RATCHFORD.) In speaking of the Illinois troubles you have reference to the Pana and Virden strikes, in which the riots occurred?—A. Yes.

Q. Are not the miners in both cases striking for the arbitration rate fixed by the miners' organizations, or rather for the price jointly fixed between the miners and operators?—A. Yes; fixed mutually between the operators of Illinois and the miners, and affirmed by the State board of arbitration and a private board of arbitration.

Q. The question was referred three times at the request of the operators; first, to the executive committees of both organizations; second, to the State arbitration board, and third, to the miners' union?—A. Yes.

Q. And in each case the verdict was in favor of the miners?—A. In each case the verdict was in favor of the miners; and the operators, who made a written agreement with us to accept the award of each one of these various courts—we have it a matter of record in our office; we have a contract with them to start that mine at the price that was fixed by these courts of arbitration—refused to do it even in the face of their own agreement.

Q. What was the position of the operators in the State of Illinois outside of the striking district in that respect?—A. They unanimously agreed that those companies should pay that price; that it was only fair; their competitors were paying it, and they should pay it, too.

Q. That is to say, they unanimously supported the miners in their movement?—A. Yes.

Q. (By Mr. C. J. HARRIS.) It might be a very great thing for these companies to accept this proposition, and still it would remain, after all was said and done there, to open their mines on their own basis, would it not?—A. No; they do recog-

nize the authority of the convention to determine a price. They had taken part in that convention; they had discussed the reason why they should or should not pay it; they participated in the meeting that was to determine the scale of wages that was fixed by that convention on the coal in the coal trade, freight rates, and everything, and then refused to become a party to it.

Q. (By Mr. RATCHFORD.) In other words, they helped to fix the same price on everyone in the State of Illinois?—A. Yes; they did that for everyone else, and had recognized a decision and authority of the convention to fix their scale of wages.

Q. (By Mr. C. J. HARRIS.) I fail yet to see, unless they had bound themselves up to a contract to accept a certain decision, why they would be obliged to work their mines on that scale unless they were a mind to.—A. We have a contract with them by which they agreed to accept the award of the board of arbitration, and the law of the State of Illinois requires that when an arbitration is held with the consent of each of the two parties, they must run the mine for 60 days, and the only difference is that the law has no penalty; but we take the position that a person is no less a criminal who violates a law that has no penalty than he would be were it a penitentiary offense.

Q. (By Mr. SMYTH.) Will you tell us what the proportion of colored miners is in the Alabama mines?—A. I have not any data on that, but from what I know of it I would say 50 per cent.

Q. And the organization in the South is mostly among the white miners?—A. In the districts where it prevails it takes them all in. Where we have an organization every man who works in the mine is a member of it. We do that by agreement with the coal companies that they employ union miners and that they recognize the organization and treat with it.

Q. Those organizations which employ union labor pay higher wages than those employing nonunion labor?—A. Yes.

Q. (By Mr. KENNEDY.) In Alabama you have unions in which there are both white and black members?—A. Yes.

Q. Are those whites who are in that organization natives or foreign born?—A. Very largely natives of Alabama.

Q. (By Mr. RATCHFORD.) Have you experienced any trouble in getting the white and black miners in the South to assimilate together into the same organization—the same union?—A. I will say there is no difficulty as far as our organization is concerned. They recognize—as a matter of necessity they were forced to recognize—the identity of interest. I suppose among miners, the same as other white men in the South, there is the same class differences, but they have been forced down, so that they must raise the colored man up or they go down, and they consequently have mixed together in their organization. There are cases where a colored man will be the officer of a local union—president of a local union.

Q. (By Mr. PHILLIPS.) With white members?—A. With white people in the same organization.

Q. And do they mine together in the same mines?—A. In the same mines, but frequently do not work together as partners. Ordinarily white men want to work by themselves as partners.

Q. (By Mr. SMYTH.) Are 50 per cent of the miners in Alabama in your organization?—A. Probably a larger per cent.

Q. (By Mr. PHILLIPS.) What per cent in Pennsylvania?—A. Our organization has less in proportion there than any other State.

Q. Is that due to so many foreigners being employed in Pennsylvania?—A. No; it is due to some extent to the unfair advantage taken by coal companies in central Pennsylvania. In the anthracite district of Pennsylvania, where there is employed, I presume, 150,000 miners, the operators oppose our organization so vigorously that we have been unable to make much progress.

Q. What have you to say of school facilities?—A. I will say in the Northern and Western States, as far west as Iowa, that the public schools are very efficient. I do not know that there are any objections by the trade unions to them there; but in the Southern States it is our experience that there is not a sufficiency of schools, nor in West Virginia.

Q. How about the Western States and Territories?—A. West of Iowa there is not a sufficiency of schools; at least, that has been my observation from the traveling I have done through those Western States. If the schools are not far apart, they are not of as high a standard as they are in Illinois, Ohio, Indiana, and Pennsylvania. One difficulty that should be overcome is supplying night schools for adults, so that men working in the mines or boys who have passed the school age can attend school at night, and those schools should be public schools, in my judgment.

Q. Have you anything to say on the question of convict labor?—A. Convict labor enters to a very small degree into the mining industry. Some years ago they used to have it in the Southern States, but to a very small extent; now it has been practically abolished. I think not in Alabama any more; they do to some extent in Tennessee, but not so much there as formerly.

Q. Have you any suggestions to offer for convict-labor employment?—A. I favor the proposition, that has been very generally discussed, of employing convicts in making good roads. In my judgment that is the most noncompetitive industry they could be engaged in.

Q. (By Mr. PHILLIPS.) In the Northern States they could not be engaged in that during the winter season, could they?—A. That would be a difficulty, but outside of that I believe they should only manufacture such productions and goods as are used by the State and Government, so that their product will not be placed in competition with other labor.

On the topic of concentration and consolidation, its effects on prices, profits, wages, employment, I desire to express it as a personal opinion that I am not opposed to either consolidation or concentration. I believe, however, that where manufacturing interests or industrial interests enter into combinations, trusts, etc., that it is generally for the purpose of cheapening the cost of production; that it makes it possible for employers to pay higher wages. It has been my experience, however, that they have not paid higher wages. I believe that they should be so regulated by law that the profits on those investments should be limited—should be regulated—on the actual amount of money invested. I certainly am opposed to paying dividends upon stock other than actual stock.

Q. (By Mr. RATCHFORD.) Have you anything to say on discrimination in freights?—A. It has been impossible for us to get any conclusive proof that there is any discrimination in freight any more than the force of circumstances, which have often led us to believe that there has been discrimination in freight rates. For instance, coal mined in West Virginia is in some cases shipped 200 miles and sold in markets 200 miles farther away than coal in other districts sold in the same market at a less price. We found that coal is shipped from the Fairmount district in West Virginia to Chicago and sold in competition with coal mined 60 miles from Chicago. We find coal going to Ohio and sold in the market when their published open rate is higher than that in Ohio. And this leads us to believe that they (the railroad companies) are giving advantages to coal mined in that State. We have been forced to believe that without being able to establish it as a matter of fact. We know that coal is sold at Cincinnati, mined in West Virginia, in competition with coal mined in Ohio, at prices that stamped the Ohio coal out of the market.

Q. (By Mr. PHILLIPS.) Is it not a fact that that West Virginia coal is better than the Ohio coal?—A. There is coal mined in West Virginia that is of a higher grade than the Ohio coal.

Q. Average as well?—A. I do not think it will average as well.

Q. (By Mr. RATCHFORD.) Is it not a fact that coal mined in some of these States you have mentioned is shipped to the lake front and sold for a less price than the advertised freight rate?—A. Yes; there has been coal shipped to the lake front and sold at a rate that was less than the advertised freight rate.

Q. (By Mr. C. J. HARRIS.) That was the West Virginia coal?—A. Yes.

Q. (By Mr. SMYTH.) You know that to be a fact?—A. I know it is a matter of common knowledge among coal dealers and men engaged in our duties.

Q. You do not know it of your own personal knowledge?—A. I have not purchased the coal myself or seen it sold.

Q. (By Mr. C. J. HARRIS.) You do not know that railroads make a secret rate to manufacturers on their roads less than the published rates, and that is done in all kinds of industry?—A. Yes; I know that it is done.

Q. (By Mr. RATCHFORD.) What can you say regarding the effects of machinery on prices, profits, and labor?—A. The effect of the introduction of mining machinery has tended to depress wages; decrease the earning capacity of men. It has cheapened the cost of production materially. I have not exact data as to the proportion of coal produced by machinery, but my recollection is that something like 40 per cent of the bituminous coal is produced by it.

Q. (By Mr. A. L. HARRIS.) In what way is this machinery used in the mines?—A. It is used to undercut coal; to dig and undercut an entire seam; but then they have another machine that is used for drilling the holes; that was formerly done by hand. I want to say that all coal a few years ago was undercut by hand; the men did it with the pick. Then there is another machine that drills the holes to put the powder in; that is done by machinery now; and a mine with one-half the force of men can produce as much as formerly it could by using double the force.

Q. (By Mr. PHILLIPS.) They use compressed air to run those machines.—A. Oh, no; electricity. Electricity is the prevailing fad now. It is what they call the electric-mining machine that does the work, and will do twice the work that the old compressed-air machine would.

Q. Did not the compressed-air machine improve the condition of the men?—A. It did. Where headings were driven it put some fresh air in there, but compressed air is very unhealthy for a man to live in, and while it made less smoke, it was an undesirable class of air. It was probably better than powder smoke.

Q. (By Mr. A. L. HARRIS.) Does it require the same experience as a miner to use a machine as it does to use a pick and drill?—A. No; to the largest per cent of the men employed it does not require as much. It takes two men to handle the machine. That requires the skilled men, but after that is done it requires unskilled men, because they only load the cars; because they only shoot it down, and what is required most is a man with a strong back who can shovel lots of coal. In fact, the introduction of machinery has compelled men to compete with machinery; to try and compete with the machinery.

Q. (By Mr. RATCHFORD.) The greatest skill in mining is acquired by the man who is an all-around man, who can mine the coal, prepare it also and send it out?—A. Yes; the most skill is required in mines where they have no machinery, where one man undercuts by hand and takes it down by hand and does everything.

Q. (By Mr. PHILLIPS.) How long does it require for a man to become efficient as a coal miner?—A. It depends to a great degree on how soon a man can adapt himself to it, but I would say that to become an efficient miner it would require an apprenticeship of three years and more for a boy, but for a man to become really skilled would require three years.

Q. You really have skilled and unskilled men?—A. We do not regard them so, because they go in with the skilled men and get the same wages. I will say that the law-making bodies of the States are recognizing as necessary the improvement of the mines by requiring competent miners. The State of Illinois has enacted a law that before a man can have charge of a room in a mine he must have served two years in the mine. That is recognizing the competency of the miners.

Q. (By Mr. A. L. HARRIS.) That is for the safety of the miners?—A. Yes.

Q. (By Mr. C. J. HARRIS.) Are there not some veins in which these machines will not work to advantage?—A. Yes; the veins where there is an extremely bad roof overhead; they can not be worked to the same advantage there, or veins that are so low that they can not get them in. If a vein is less than 2 feet in thickness they can not work.

Q. Do you think they will be used to a larger extent from year to year?—A. Yes; they are increasing each year.

Q. (By Mr. RATCHFORD.) Has your association ever taken any action or placed itself on record as to the question of machinery? Do your members look with favor on the machine or disfavor?—A. I desire to qualify my answer to that. I will say that generally our membership looks upon the machine as an innovation that is going to displace their labor and from which they receive no part of the benefit. They are not opposed to the introduction of machinery in the sense that they oppose improved methods. They certainly recognize the age in which they live and understand that machinery has come and come to stay; but they do oppose the introduction of machinery to displace men, that makes them become tramps on the public highways; they oppose it from that standpoint. The introduction of machinery is destroying the skilled workingmen, and is causing the introduction of men into the mines who are not skilled, who can only shovel coal. We have rates for machine and hand mining. For illustration, in the State of Ohio the price for machine mining is three-fifths the price of hand mining, and in the State of Indiana it is three-fourths. If mining by hand is 40 cents, mining by machinery is 30 cents. We recognize this always, believing them not to be fair. It is our opinion that the difference between machine mining and pick mining ought not to be as great. We are opposed to the introduction of mining machinery for the reason that the men have to compete with the machine; we must dig coal as cheap as the machine; we must dig coal by hand as cheap as the machine will dig it, allowing for the cost of the machine.

Q. (By Mr. A. L. HARRIS.) Is the present surplus of miners accounted for partly by the machines now in use?—A. To some extent, yes.

Q. (By Mr. RATCHFORD.) What has the introduction of substitutes for fuel to do with that question, creating surplus labor?—A. It has had an influence. The influence or effect of gas and oil has displaced coal in the markets to some extent.

Q. (By Mr. C. J. HARRIS.) Is there any difference in price according to the thickness of the veins also in which your machine works, according to the thickness of the coal veins?—A. No; the price of the mining is not regulated by the thickness of the coal vein. I will say that we would have no objection to the

regulation, but our price of mining is regulated by the ability of an operator to sell his coal in the markets to a very large degree.

Q. (By Mr. PHILLIPS.) Is the waste not greater in machine mining than hand mining?—A. No.

Q. Is there not a difference in the character of the coal mined by the machine as compared with that mined by hand?—A. Where miners shot coal out of the solid, where coal was shot before it was undercut by the miner, it made a larger per cent of the screenings or of waste coal than it does now; machinery undercuts that coal.

Q. But when it was undercut by the miner?—A. Fully as large a quantity of good coal then. And where it was undercut by the miner the grade of coal was fully as good, if not better, than that undercut by machinery.

There has been a great and increasing desire or demand among the laboring people for the enactment of employers' liability laws. In England they have an employers' liability act, and it has done very much to reduce the per cent of fatal accidents. I desire to say that in coal mining, for every 277,200 tons of coal that is hoisted there is a man killed; for that same amount there are at least a dozen men injured who suffer severe injuries. That is often the fault of mine owners. When you consider that it means 3 men brought up dead out of the coal mine nearly daily, it certainly leads us to believe that some legislation ought to be enacted to make conditions of mining such that there would be more safety than there is now. The mining laws of Great Britain, of course, are much more strict than they are here, and there are very few fatal accidents there any more, although their mines are full of dangerous gases. We have also mines that are dangerously full of gases and the mining laws are not at all stringent enough. They do not afford sufficient protection. If we had an employers' liability law it would do a great deal to reduce to a minimum the awful catastrophes that have startled the country from time to time in coal mines.

Q. (By Mr. A. L. HARRIS.) What State has the best employers' liability act?—A. I am not aware of an employers' liability act in any of the mining States.

Q. Pertaining to miners, what State has the best law in regard to inspection of mines, in regard to safety?—A. On the whole, I will say that the State of Ohio has the best mining laws. I think Illinois, after the adjournment of this legislature will have the most comprehensive mining laws, because they are revising the entire law.

Q. (By Mr. RATCHFORD.) What is the sanitary condition of the mining villages generally?—A. Very undesirable, very much so; as are the mines. I will say that the mines under the most favorable conditions, under the most stringent laws—that I know of no State that has a law that requires that less than 100 men breathe the same air before it is returned to the escape shaft. By that I mean that when the air is forced into the mine it is supplied into different sections and driven around the mine, but no place does the law require that less than 100 men shall use that air before it is returned to the escape shaft out of the mine, and that is regarded as a strict law. That is not a sufficiency of ventilation.

Q. Does this air that passes around the mines to the working places of each 100 men pass through air ways that are polluted with a refuse excrement of both men and animals?—A. Yes.

Q. Do you not think that proper places should be provided in each mine for such purposes?—A. Yes; that would do much to remedy the evil and would provide pure air for the men employed.

Q. What have you to say as to personal safety laws?—A. In some of the States they have very fair safety laws, such as requiring that cages running up and down, hoisting the men up and down, have safety catches and all of that, everything of that kind. In others they are not as good. In fact, it would be much better for the miners were uniform laws enacted so that it would be exactly the same in one State as another.

Q. (By Mr. RATCHFORD.) Have you any suggestions to offer to the commission as to remedial legislation, or upon any other subject in relation to the testimony offered?—A. Nothing more than to say that while the people whom I represent desire very much the improvement of our laws for the protection of the workingmen, it has been my own experience that if laws were enacted that would permit laboring men to join trade-unions without intimidation, without even the suggestion of influence on the part of their employers, we could do much to change conditions so as to make them more desirable.

Q. (By Mr. KENNEDY.) Do you not believe that there is more hope for the workingman through his own efforts in his labor organizations and working upon public sentiment than there is in anything that he can get from the legislatures in that respect?—A. I think that under existing circumstances there should be

protectory legislation for the workingman; ordinarily I would agree to that. The laboring people feel, as there has been so much legislation that has favored corporations, that they ought to be given protection by the law. They are the weak element now. The moneyed class, the corporations, have grown to such vast magnitude, they have become so powerful and strong that the employees are no longer able to combat them. They have become so powerful that the employees feel that they are the weaker and are equally entitled to protection from the Government; that at least laws should be enacted that would not permit men to be driven from place to place because they desire to join trade-unions.

Q. (By Mr. RATCHFORD.) As a last analysis of this whole question, I would like to have you state to the commission, as nearly as possible if you have not the exact figures, what are the average annual wages made by the miners that you represent after all expenses are deducted?—A. Speaking for the bituminous miners only, with whom I am most familiar, last year the total annual production was 159,609,898 tons of coal. Figuring that on the basis of 50 cents a ton, it would make a total of $79,809,949. This sum divided by the number of miners, 248,000, those engaged in bituminous mines, would make a total of less than $1.03 per day. From this amount must be deducted mine expenses, house rent, etc.

Q. My question implies that nothing shall be deducted from the gross earnings except the money expended for mine supplies, powder, oil, fixed charges.—A. The average expenditure of money by the miner for mine supplies, his powder and sharpening his picks, and mine supplies he must buy, etc., would be on the average 15 cents per day.

Q. (By Mr. CONGER.) Do I understand that that $1.03 per day is for all the work days in the year or the number of days employed?—A. On the basis of 306 days.

Q. The working days in the year?—A. Yes.

Q. On your basis that you mentioned this forenoon, that the miners were employed about two-thirds of the time, the actual rate of wages would probably be about $1.50 for the time employed.—A. I want to make this qualification, however; take the Western miners, men employed in the Far West; their wages are in this average. As their wages are very much higher than those paid in the central States, it raises the average of those employed here. They get as high as $3 a ton for mining coal in some places out there, so you will readily understand it does not make a fair estimate.

Q. (By Mr. NORTH.) Do you think it is fair to aggregate wages and divide it into the total number of possible employees irrespective of the question whether they were working or not, in order to get the average?—A. I think so.

Q. (By Mr. CONGER.) The figures that you quote were for what year?—A. 1898.

Q. How did you obtain the number of employees who were engaged in mining for that year?—A. We took the number of employees from the 1897 report of the Coal Trade Journal. It gives the number of men employed in each of the mines in the different mining districts.

Q. (By Mr. NORTH.) That includes all of them that died during the year, does it not?—A. I do not know whether it does or not.

Q. My proposition is that while it may do for a general statement yet it is not a scientific average.—A. Let me say that estimating the average price per ton at 50 cents—that is a high average, that is an extremely high average, because the largest part of the coal that is mined is mined for less than 50 cents a ton. In fact, in the four States, Pennsylvania, Ohio, Indiana, and Illinois, much of the coal is mined by machinery, and that is all mined at a price much less than 50 cents a ton.

Q. You think that is a fair offset to my criticism?—A. Yes; I think if that average were looked over carefully it would not amount to 50 cents.

Q. (By Mr. SMYTH.) Taking it that way, a man working 10 days during the year as an employee would accomplish as much as though he were working 50 days; therefore it would raise the number of employees and lessen the average, while he may not have worked over 10 days?—A. Ordinarily the miners are engaged steadily in the mines. I think that would make very little difference to it.

Q. (By Mr. NORTH.) Will you state to the commission that the average earnings of those employed in the mining districts that you alluded to do not exceed $1.03 a day, including the necessary mining expenses?—A. I will state that when we compiled those figures ourselves I was agreeably surprised to find that it was as high as $1.03; that my experience has been that miners do not earn that much on an average. We have figured on this every year, and this year we were congratulating ourselves that our organization had done something to secure better wages for the miners when we found it as high as $1.03. A few years ago we

made a careful investigation to get as reliable data as it was possible to get and discovered they were earning $0.87 a day.

Q. By this same process?—A. Not by this coal report, but by taking the average statement of the men who were drawing pay, and that was the result at that time.

STATE OF INDIANA, *County of Marion:*

I swear that the statements made by me of my own knowledge in the foregoing report of my testimony before the Industrial Commission are true, and that all other statements I believe to be true.

JOHN MITCHELL.

Sworn and subscribed before me this 12th day of July, 1898.

JAMES STEVENSON, *Notary Public.*

My commission expires August 4, 1901.

WASHINGTON, D. C., *April 12, 1899.*

TESTIMONY OF EDWARD McKAY,

Member of the National Executive Board, United Mine Workers of America.

The commission met at 10.10 a. m., Vice-Chairman Phillips presiding. Mr. Edward McKay, of Buenavista, Pa., testified. The topical plan of inquiry on mining was followed in the examination of the witness.

Q. (By Mr. RATCHFORD.) Please state your connection with the miners' association.—A. I am a member of the national executive board, United Mine Workers of America.

Q. How long have you been connected with your organization in that capacity?—A. This is the second year. Prior to that time I held different positions for the last 17 years.

Q. Are you a practical miner?—A. Generally considered so; yes.

Q. As a member of this executive board, are your operations confined to your home district?—A. Largely so. There are times when it takes me out into other sections.

Q. Is the same true of other members of the board?—A. Yes.

Q. How many is this board composed of?—A. Eight members of the board, the president, vice-president, secretary and treasurer, making eleven in all.

Q. Are they working for the association all the time?—A. Yes; looking after the interests of the miners of this country.

Q. In case of strikes, discriminations, etc., are those eight members concentrated in the striking districts very often?—A. Yes; those eight members favor arbitration and conciliation in settling satisfactorily any grievance that may arise in any section of the country.

Q. Have you any benefit features in your organization of a permanent character?—A. Not in a general way. There are various localities that have established benefit features in their local organizations.

Q. As to the growth of the trade union, is it growing or is it falling off in membership?—A. It is growing very rapidly. I think in 1897 we had about 16,000 members; to-day the membership will range from about 75,000 to 80,000 members.

Q. What has been the effect of the increased membership upon wages and conditions of mining during that time?—A. Wages have advanced, hours of labor have been reduced, and there is a general marked improvement in the coal trade. The reduction in hours is one-fifth, from 10 to 8 hours per day; the general advance in mining rates is in the neighborhood of 20 per cent.

Q. Have you any affiliations with any other trade?—A. Yes; we are affiliated with the American Federation of Labor; that is the only one.

Q. Have you any connection with the Knights of Labor?—A. Very, very slightly, if any. There may be one or two assemblies of the Knights of Labor that are also members of our organization, but not more than one or two.

Q. Is the organization of the Knights of Labor losing or gaining strength among the miners?—A. It is losing; in fact, it is entirely gone among the miners.

Q. What reasons do you assign for that?—A. Taking my own views of it, I claim the Knights of Labor was never adapted to protect the miners' interests as well as our present organization is. In the first place, the constitution was so arranged that we had to comply with it before a strike could be declared, and

many times before the wheels of machinery could be put in operation the opportunity was gone for a successful strike in our business. That was one of the reasons that affected the miners of western Pennsylvania.

Q. The business methods of your organization differ from the Knights of Labor in that respect?—A. Yes.

Q. Do they differ in any other respect?—A. I do not think that they do very materially.

Q. Were the methods adopted by the Knights of Labor in the transaction of their ordinary business methods of strict secrecy?—A. Yes.

Q. Have you any secrecy in your organization?—A. Not any whatever. In holding our meetings there is nothing we keep secret.

Q. Is the public usually invited to attend your meetings?—A. No.

Q. Are they ever forbidden?—A. Yes; at times they are forbidden; but it is at very rare times, when we are considering matters pertaining to the craft solely.

Q. But when holding meetings for organization purposes, for instance?—A. Open meetings.

Q. Have you noticed in your experience whether the employers favor an open organization more than the secret?—A. An open organization.

Q. Do you believe that an open organization is the most conducive to the interests of the workers as a whole?—A. Yes.

Q. As to incorporation of trade unions—are you incorporated under the laws of the State?—A. No; I think not.

Q. Have you anything to say as to the feasibility of incorporating trade unions?—A. No; that is a matter I have not given much study—whether it is advantageous for our organization or not.

Q. "Relations to nonunion labor and the right to liberty of contract." Have you anything to say under that topic?—A. Our practice is to go and see those people, talk with them, try to reason with them, and show them the advantages of being organized.

Q. In case they refuse to organize, what methods are used?—A. Generally, none. In odd cases, where we are strictly organized in a sense with the exception of one or two mines, we ask that those unorganized men join the organization, and sometimes seek to force them to be members or not be allowed to work there.

Q. Are there any restrictions or influences exercised, on the other, hand by employers to prevent them from joining these organizations?—A. Yes; in many cases employers will discharge a man if they know he joins an organization.

Q. In case of strikes, either for advance in wages or reduction of wages, or for any other cause, what is the position of nonunion labor toward organized labor in your trade?—A. Generally speaking, unorganized labor in time of a strike joins with the organized miner.

Q. You spoke of having a strike within the past 2 years. To what extent, if any, did the unorganized miner respond to that strike order?—A Well, the fact that the membership increased from 16,000 to 80,000, in round numbers, shows that the miner is appreciative of the move of the organization, and being benefited so much they believe and see that it is to their interest to take hold of it.

Q. You said you had 16,000 men in 1897. Was that at the beginning of the strike?—A. Yes.

Q. How many miners were there on the strike?—A. 150,000 or 200,000.

Q. What have you to say as to the right of liberty of contract; do you believe that right should be granted to each individual, or do you believe that liberty of contract should imply collective bargaining?—A. My opinion is that the right to liberty of contract should be given to all men, providing that contract did not interfere with the liberties of others.

Q. Does your organization make contracts with organizations of employers?—A. Yes; we are in the habit of making agreements yearly. At the present time we are working under agreements signed mutually by the operators' and miners' representatives.

Q. Is it found advantageous to both parties to confer with each other and make those agreements?—A. Yes.

Q. What is the tendency of these agreements with respect to strikes; do they curtail the number of strikes?—A. Yes; the tendency is to lessen the number of strikes and bring around more harmonious relations between the employer and employee.

Q. (By Mr. PHILLIPS.) How were contracts made prior to your organization between employer and employee, or were there any?—A. Previous to the organization adopting this policy each section looked after its own interest—each competitive district—and when there was a strike going on in one district another

district was largely benefited, so at times we have had, for instance, in the Pittsburg district, a conflicting condition; we have seen river miners strike for higher prices, when it would be impossible for the railroad interests to be on a strike at that time, and they would be benefited largely; one place at one price and another place at another price; and generally the conditions were unsettled.

Q. (By Mr. RATCHFORD.) Speaking of the Pittsburg district, have you had unusual mining troubles there in the past few years?—A. Yes.

Q. Please state the main causes that led up to these troubles as fully as you wish to.—A. The causes of the troubles have been the lack of a thorough understanding as to market conditions by the miners, and the desire on the part of the operators to run the business as best suited themselves, regardless of the interests of the miners. Two parties having variously differing views caused this friction and trouble.

Q. Does that statement apply to the majority of the operators?—A. Yes; in the past. At present there are better relations and a better understanding between miners and operators; still that trouble is very plain to-day on the part of some of them.

Q. Do the operators of the Pittsburg district as a whole treat with your organization?—A. Yes; as a whole.

Q. Including what is known as the New York and Cleveland Gas and Coal Company?—A. No; that company does not treat with the organization.

Q. Please state what the actions of this company have been in many important regards as against the organization of miners within the past 4 or 5 years?—A. The actions of this particular company have given the miners' organization considerable trouble. It has positively refused to treat with the organization; it has made a rate of its own regardless of the district prices.

Q. Was that rate higher or lower?—A. Lower.

Q. How much, usually?—A. Five cents per ton, usually. At the present time it is 12 cents per ton.

Q. Has it ever been more than 12 cents?—A. Well, the conditions are such that we can not find out. I believe sometimes it has been higher. When it first took advantage of 5 cents a ton, it claimed it through the right of having no company store; that they paid in cash, and that 5 cents a ton was about equal to the percentage that other companies got from the store goods. As they saw it gave them an advantage they increased it to 10 cents, and now it is 12 cents. They have the mines fenced in, and on two or three occasions I have gone into the neighborhood, and some of the company officials, as soon as I got on the ground, were right in after me. If I went through with a rig, they would have one of the best-spirited teams they could get and follow me through and tell me to get off the premises. In 1897 we entered and had to distribute newspapers to put our position before the miners. There were 2 teams. Their men followed us around and would not let our team stop to distribute the newspapers.

Q. (By Mr. PHILLIPS.) On the public roads?—A. Yes.

Q. How many mines are operated by this company you speak of?—A. Three.

Q. How many men are there employed?—A. In the neighborhood of a thousand men.

Q. (By Mr. RATCHFORD.) And their annual production?—A. There would be in the neighborhood of 2,000 tons a day coming from their mines; more than that.

Q. It is suggested that you name the stockholders of this company, if you are in a position to do so.—A. I can not name the stockholders, with the exception of the general manager, W. J. De Armitt. W. P. De Armitt and Thomas De Armitt are two of the directors.

Q. Is Mr. De Armitt not president of the company?—A. Yes.

Q. Is it not pretty generally known that stockholders of this company are largely eastern men—New York men, for instance?—A. Really, that I can not tell.

Q. Has this company no union men employed?—A. None. If one is a union man, he is discharged the moment they know of it.

Q. This company claimed that as it had no stores and paid in cash it was justified in the payment of a lower wage to its miners?—A. Yes.

Q. What truth, if any, was there in that claim?—A. I am willing to admit that the company store is an evil. It did place the company operating the store at an advantage over those who did not have a store, but just how much, depends upon the interest and good will of the company. There are some company stores to-day that charge 100 per cent upon their sales of some articles, and others not so much.

Q. (By Mr. PHILLIPS.) How much, on the average, would they charge over those running independent stores in that section?—A. It is pretty hard to tell that. I just saw an instance this last week where one of our members said he paid $2.25

for a keg of powder; the same powder can be bought at individual stores for $1 a keg.

Q. Such prices as that do not prevail through the whole region?—A. No; I can not tell you just what per cent they overcharge.

Q. (By Mr. RATCHFORD.) Has Mr. De Armitt, of whom you spoke, at any time proposed to pay the union scale of wages, providing his competitors were put upon the same basis as himself in regard to cash payments?—A. Yes.

Q. What was the action of the operators' and miners' associations in this respect?—A. In 1896 Mr. De Armitt proposed to the miners that he would pay the union prices, providing there were cash payments, uniform screens, and 2,000 pounds to the ton. The miners and operators undertook to establish that throughout the region, and it was pretty generally established. I think in the neighborhood of 95 per cent of the mines of the district have come to this standard that Mr. De Armitt demanded, and 97 per cent of the total tonnage did establish those conditions.

Q. Did operators close their stores?—A. Yes.

Q. And miners accepted 5 per cent less for cash payments?—A. Yes; and established those conditions. When Mr. De Armitt saw the report he disputed it, went out and made a report for himself, and justified his acts by saying, "I want to protect myself from those conditions."

Q. (By Mr. C. J. HARRIS.) After the year 1897 were they pretty generally out of existence in the Pennsylvania district?—A. I am sorry to say that since the beginning of last year they have come pretty generally into operation again, and the system is as bad now as ever it was in the Pittsburg district.

Q. (By Mr. RATCHFORD.) The proposition that was so fully complied with ultimately failed?—A. Failed; yes.

Q. Did prices decline, advance, or remain as they were?—A. At this time we were getting 70 cents per ton, and from the failure of that agreement prices declined until the majority of the miners were getting 54 cents per ton, and some of them less than that. Pretty nearly every mine made prices for itself for a little while.

Q. The majority of the mines of the district came down from 70 cents to 54 cents or less?—A. Or less; yes. There were, I think, ten or twelve companies which staid with the organization and paid 60 cents, and the miners themselves volunteered to come down.

Q. How were the minority of the operators of that district able to meet such competition?—A. The operators who were willing to treat with the organization deplored the condition of affairs and tried to have meetings and bring around peace, but it was impossible, and therefore the miners, in order to put them on an equal footing, came down to meet De Armitt's conditions—the New York and Cleveland Gas Coal Company.

Q. That 'ed to a reduction throughout the whole district?—A. Yes.

Q. Did it extend to any other place?—A. Yes; in the Hocking Valley there was quite an agitation.

Q. Do we understand the reduction was not satisfactory in the Hocking Valley in Ohio?—A. Yes; I think not.

Q. Tracing that fall in mining prices from the beginning of the agitation until the bottom was reached, are we to infer from what you said that this one company, to which you refer, was largely, if not wholly responsible?—A. They were wholly responsible.

Q. Could you explain how it was possible for any one mining company operating but three mines and employing but 1,000 men, to bring about a reduction in prices in two districts, affecting about 45,000 men?—A. Yes. The capacity of the Pittsburg district to produce coal is so much larger than the consumption, than any small operator, and in fact, without a proposition from the operator, the consumer largely quotes the prices; if Mr. De Armitt quotes a figure, all other competitors are asked to meet that cut or they do not get the trade. Sometimes they do not get it even after they meet the figures. One operator, by making a small rate, establishes that rate, and every other operator has to follow that or else he does not get the trade.

Q. (By Mr. PHILLIPS.) You do not mean by that that one operator cutting prices can govern the market and supply the trade?—A. Yes; the moment the consumer finds out that one company is shipping coal at so much less per ton than another, that operator is asked to meet those figures, and in order to secure and maintain the trade, he has to meet those figures or else it is given to someone that will cut the rate.

Q. (By Mr. SMYTH.) That one man can not supply all the trade?—A. No; if there was a mutual understanding between the balance of the operators not to

cut the rate, but in the scramble for trade they have to meet those figures or else do not have the business.

Q. Would the miners be willing to accept a reduction to be paid on the cash basis and abolish the company stores?—A. Yes; we did that.

Q. Would the miners generally be willing, for the sake of getting cash and abolishing company stores, to accept a less price for mining?—A. No; I think we have experienced that; we have actually suffered a reduction and gotten the stores back again.

Q. Then you would rather have the stores and be paid the price?—A. We hope and pray that the stores will be legislated out of existence—that no company will be permitted to run a store.

Q. This New York and Cleveland Company you speak of; have they any store now, or do they still pay cash?—A. Yes.

Q. (By Mr. RATCHFORD.) During this contention in your district, what were the relations of this company to other companies in the district in a business sense? Were they antagonistic to other companies in meeting them in competition?—A. In a business sense, I think they were friendly.

Q. Would they take trade that belonged to others?—A. Yes.

Q. In view of their large production and their greed to extend their markets, as we understand from your statement, is it not possible that through the cutting of prices, as a result of cheaper labor, this company might make prices for a great deal of coal in excess of the amount they themselves were able to produce?—A. Yes. If a company comes out and cuts a rate on the lakes, these rates are given long before the coal is shipped. The moment that the New York, or any other company that has any advantage, gives a low rate in order to get the whole of the coal sold, other companies have to meet these rates or wait on the trade. If there is an understanding between the balance that they will not follow this company, then, of course, the trade is all right, but men, in haste to place their orders, shave prices as closely as possible, and consequently all of them put their coal in at cheap rates and it affects the markets.

Q. (By Mr. NORTH.) Do you favor a combination among the mine operators of the country in the nature of a trust?—A. No.

Q. Do you think it would be for the interest of the miners if such a combination were formed for the purpose of keeping up the price of coal to a certain fixed figure?—A. I answer no, by saying that the same purpose could be accomplished in a different way.

Q. (By Mr. PHILLIPS.) Will you please state in what way?—A. By organization, mutual organization, imbued with fairness and honesty. Let the trade take care of itself. I believe that the law of supply and demand ought to cover the trade largely.

Q. (By Mr. NORTH.) Does it not cover it now?—A. In a way.

Q. And it is the operation of the law of supply and demand that you are complaining about and its effect on wages of miners?—A. No; I am complaining of the unjust methods that are put in operation—the fact that this company clothes itself with the right to work its men 2 hours a day longer, and for 12 cents per ton less tonnage rate, and some 10 or 15 cents per day for day labor.

Q. Are they driven into taking that by excessive competition?—A. No; they are the leading competitors, forcing their own rates on the markets.

Q. (By Mr. CONGER.) Do you not think that if the price of coal to the consumer is increased that the operators would be willing and able to pay greater wages to the miners?—A. No; this particular company, I think not. It shows a disposition to govern the trade without the enforcement of any law.

Q. The facts are that the present low rate of wages to the miners is the result of supply and demand, because the capacity of the mines and number of miners are more than sufficient to supply the country with what is needed for consumption?—A. Yes.

Q. (By Mr. FARQUHAR.) Instead of making a monopoly of the coal trade, you would have the operators come together with the employees and discuss a fair scale, and agree as nearly as possible, for the benefit of the operator, of his own capital, safety of his company, and for the benefit of the employee in getting a fair wage?—A. Yes.

Q. (By Mr. SMYTH.) As a matter of fact, are not the labor organizations in the nature of trusts?—A. No; because they have not the elements; they do not desire the elements. A labor organization is formed upon the basis of mutual agreement. Our organization is formed for the purpose of arbitration and conciliation.

Q. But are not the details of the organization so that a few men, the officers of your organization, might arrange for the prices for the entire body of coal miners?—A. Yes.

Q. Is not that in the nature of a labor trust?—A. No; not in the nature of a trust, as I take it.

Q. (By Mr. FARQUHAR.) Are not the men that you send to these conferences of operators and miners, delegates from a body, properly elected?—A. Yes.

Q. Do you think the Representatives in Congress are a trust because they are representatives of each Congressional district?—A. They ought not to be.

Q. (By Mr. RATCHFORD.) Do you think a labor organization is more of a trust than a political one?—A. Not nearly so much.

Q. As to supply and demand regulating wages, wherein does supply and demand in the coal industry differ to-day from what it was 2 years ago, when prices were so much lower and the hours of labor so much longer; was there any material difference?—A. No; not any material difference. Both supply and demand have largely increased during the last 2 years, and prices are better.

Q. How about supply and demand of labor; you are speaking of the product?—A. Yes. The supply and demand of labor has not materially changed at all.

Q. (By Mr. PHILLIPS.) There is certainly more demand now for labor than there was?—A. There is more demand for labor, yes.

Q. (By Mr. RATCHFORD.) In your opinion, would the consumption and production of coal be increased from the mines of our country by a cheaper mining rate?—A. No, if we take the conditions of the country. If we would go into other markets of the world, yes; but for our consumption, no.

Q. Speaking of our own country, any advance or decline in price, so long as those prices are within reason, would not materially affect the production and consumption of coal?—A. No.

Q. What is the greatest factor in regulating those prices, and what part do the organizations of both employers and employees play in that connection?—A. A low market naturally brings low prices; a rising market brings rising prices. The organization plays the part of mediator and asks that justice be done; and whenever the market shows that a reduction should take place the organization sees that the reduction is made, doing justice to the market, and, vice versa, in getting an advance on a rising market.

Q. The coal trade could be best stimulated by an association of the employers and employees, treating mutually and voluntarily together, and holding selling prices up to reasonable rates?—A. Yes, I think that the best interests of the coal trade could be solved by a general union of both miners and operators, in respect of organizations meeting mutually for the protection of the industry.

Q. What have you to say of unskilled labor, organized or unorganized?—A. Unskilled labor, to my mind, stands the same as skilled labor, and all labor should be organized for its mutual protection.

Q. Is there a class of men in the mines, generally speaking, known as unskilled men, or are you bothered as much in that connection as the other trades?—A. No; we are not. Generally speaking, a man that can go into the mine and do any of the daily labor that is to be done in and around the mine, can go into the coal face and dig coal. It is seldom that a man is employed in and around the mines—in the mines particularly—that is not a practical man.

Q. (By Mr. PHILLIPS.) How long does it require a man to be what you call a practical miner in the mining of coal to advantage?—A. There are some men who can adapt themselves after they come to maturity. To my mind the practical man is the man who has been raised from boyhood up in the mine—that is, through the different processes that are to be met with in the mine.

Q. Could he not learn to mine coal to advantage in 2, 3, or 4 years, as other trades are learned?—A. He may be able to mine coal in 2 weeks. Take that man out of that vein and put him in another vein, and he would have to learn it all over again; and other work in and around the mine he would not be able to do through the lack of experience.

Q. (By Mr. RATCHFORD.) Enumeration of the several causes leading up to strikes. What can you say to the commission on that subject?—A. I think that what we have said in regard to the position taken by the New York and Cleveland Gas Coal Company and others led up to our 1897 strike. The conditions that we, together with others, were under made living unbearable. Men will only strike when they see they have a good reason for it; when they are forced into it. We were forced to have that 1897 strike. At the mining rate that prevailed we could not live; we could not meet the demands that came against us. When conditions get so, men get dissatisfied, and then decide to strike rather than work under those conditions. That was the state of affairs in 1897 when the last general suspension took place among the miners.

Q. Are the miners, in your judgment, more ready to strike than other tradesmen?—A. No.

Q. Why is it that mining strikes occur so often? Is it because of the natural desire of miners to enter upon strikes, or is it because of some peculiar conditions of their trade?—A. It is on account of some peculiar conditions of the trade. We have more strikes where miners are unorganized than we have where they are organized.

Q. What are those peculiar conditions?—A. Where the employers seek to make a change of any kind it naturally arouses suspicion in the minds of the men, and custom has shown us that when changes are asked by the employers of some kind it is generally for the advantage of the company. Strikes will take place by the companies demanding changes.

Q. What have the screens or weighing of coal, for instance, to do with giving rise to strikes?—A. The screens have a great deal to do with trouble at times. A screen that will be put up to-day, fixed up according to specifications, may get out of gear, may get out of shape. The company may raise it a little—raise the elevation so that the coal will not go over it; sometimes the bars get loose; sometimes they get old and worn. When they get old they will spread, and all these intricacies in the screen give trouble back and forth..

Q. The weighing of coal?—A. It is quite a thing to find out the intricacies of some of the scales, and the weighing of coal has certainly caused us a lot of trouble, and we have mines to-day where, generally speaking, the miners will tell you they do not get any weight at all; they know they are robbed; and yet to learn how they are robbed and where they are robbed is the great mystery.

Q. You have inspectors, have you not, provided by the State, to examine those scales, etc.?—A. The screen law was declared unconstitutional by the supreme court of Pennsylvania, which took the right away from the mine inspector to examine the screen. I think it was in the Steen case, wherein the man had been arrested for false weights, tried in the courts, and was sentenced. He appealed to the higher court. The higher court declared the law unconstitutional.

Q. As to docking of weight for impurities, is this not also a cause of strikes very frequently?—A. Yes. The system is applied at mines where the miners are supposed to accept it. There were lots of mines in the Pittsburg district that it was not tried on at all. I have seen notices go up at mines saying that any miner sending out dirty coal will be docked ten hundred, and for the second offense will be discharged. They would invariably rather dock than discharge, and as a result miners suffer from that.

Q. And in case of discharge do the miners sometimes strike to have the man who is discharged retained?—A. Yes.

Q. I understand that the legislature of your State some two years ago sent an investigating committee into the mining regions to make inquiry as to the condition of the miners. Have you any information to give regarding that investigation?—A. Yes; they made a report. I expect you could get a copy of it in Harrisburg. That commission reported in Harrisburg that the conditions of the miners were deplorable. It was a surprise to themselves, and they did not think that it was possible for such a state of affairs to have existed as long as it had in and around Banning.

Q. Did they treat the question of screens, stores, and other irregularities that might be found in the district in their report?—A. Yes. In Banning they examined the screen of H. K. Wick. They found the screen to be 80 superficial feet, inch and three-quarter, diamond bar, when the ordinary screen of the Pittsburg district was 60 superficial feet, inch and a half, flat bar.

Q. In making the investigation did they take testimony from miners and operators alike, giving each side a fair opportunity to present their case?—A. Yes.

Q. What have you to say as to the economic results of strikes and lockouts to the workers, employers, and the community at large?—A. Taking the progress that this country has made during the last 20 or 25 years, notwithstanding the number of strikes and lockouts we have had, they have been a blessing to the country.

Q. Do you believe that the workers are the beneficiaries of those strikes?—A. I believe that both parties are benefited largely by them, that is, as far as it has gone. For the time being both parties suffer.

Q. Do you believe there is, or is not, a wrong inflicted on the great third party who has no direct connection with it, the community at large?—A. In some instances, yes; in an indirect way they are benefited.

Q. (By Mr. SMYTH.) Often strikes are caused for the purpose of reducing the production of coal, are they not, and in that way relieving the market and getting an advance for coal, and thus enabling the miners to get a better price for mining?—A. Not often.

Q. Has it not been done?—A. I do not know that it has.

Q. (By Mr. C. J. HARRIS.) Are strikes ever inaugurated for unreasonable and trivial causes on the part of organized labor simply to show their authority, the power they have?—A. I do not know of an instance where such an experiment would be tried.

Q. Do you not sometimes inaugurate strikes where the matter is itself immaterial, but as a matter of principle, to show that your organizations must be implicitly obeyed in their demands?—A. No. It has been my policy in life, generally, to have good reason. I never wished to inaugurate or see a strike inaugurated where the question at issue was not of vast importance to the interests concerned.

Q. But you would advise your organization to strike simply to assert its authority, would you not, if there was a principle involved?—A. Not to assert our authority. If the question at issue was of sufficient importance to the interests concerned I would advise a strike.

Q. (By Mr. RATCHFORD.) Is it, or is it not, a fact that if it were not for the ability of workingmen to strike, and the fear on the part of the employer that a strike might be inaugurated, that joint agreements would be rendered impossible?—A. It is a fact.

Q. You believe, then, that the strike has done so much in bringing the employer and employee closer together?—A. Yes; I am fully satisfied that it is the power of the workingmen combined that has alleviated his position from what he was in the early part of this century to the present time.

Q. What are your methods of strikes?—A. Our methods of strikes, when a strike takes place with the organization, is for us to seek to have the unanimous support of the whole of the miners. In some instances men disregard the orders to strike and continue to work. In such cases we try to influence those men to come out with us, showing them wherein they are injuring us by continuing to work and dividing our force.

Q. Is it a common principle, recognized by both employers and employees in the mining trade, in a belt of territory, composed of four or five States, which is known as the central competitive field, that a high price can not exist in one part of that field and a low price in another; that is to say, that the same relative price must exist in all parts of it?—A. Yes.

Q. That being the case, your organization is interested in maintaining that relative price at all times, as is the operators' association?—A. Yes.

Q. A small portion of that field, by working at a reduced price, if allowed to continue, will ultimately bring about a reduction in the whole field, will it not?—A. Yes.

Q. The boycott—does your organization resort to the boycott at any time?—A. Yes; not in the sense of a boycott; if it were possible for us to reduce the output of a company by appealing to organized labor not to patronize. That word boycott is a little strong.

Q. (By Mr. SMYTH.) You can not boycott the product, can you?—A. We can limit the output of a mine considerably for local purposes.

Q. Has your organization ever attempted to curtail in the market by means of the boycott the production of nonunion coal?—A. Yes; last year we attempted that as against the West Virginia cheap coal coming in there.

Q. Was it successful?—A. Partly so. It had its effect.

Q. (By Mr. RATCHFORD.) The blacklist, what have you to say regarding it?—A. The blacklist is one of those methods that is generally tried to be kept under the surface. Where a man is discharged and goes around from place to place and can not get any work, sometimes it is found out; as soon as they get his name, after working a day or two, he is discharged. To find out who did it is a hard matter. The laws of Pennsylvania give the men the right to prosecute, if you can find it out. It is practically impossible to find it out.

Q. You have no such terms in your organization, blacklisting your members?—A. No.

Q. (By Mr. SMYTH.) Do you ever blacklist the mine or operator?—A. No; but it is the blacklist that we get.

Q. Do you in turn ever blacklist a mine to prevent miners working there?—A. No; we have never attempted it.

Q. Picketing, patrolling, and other methods of influencing results, whether by employers or employees, and sympathetic strikes—any sympathetic strikes?—A. In some instances, yes. Last year, when the third-pool strike of the Monongahela River was going on, we asked the miners in the fourth pool, who were loading coal for the operators in the third pool who refused to pay scale rates, to not load any coal for those operators—practically a sympathetic strike.

Q. How about picketing?—A. We did some of that in 1897 at the New York and Cleveland Gas Coal Company's mines. When the miners persisted in working up there we went up and tried to intercept them in the morning; talked with them, and tried to induce them to stop.

Q. Any violence used in trying to prevent them from working?—A. None whatever.

Q. (By Mr. RATCHFORD.) The importation of new or foreign labor under contract or otherwise, operation of the law, etc.—what have you to say of them?—A. The importation of foreign labor is very disagreeable to us—new or foreign labor coming in to take the places of men who are striking. Most of our strikes—in fact, the whole of them—being based on fair and reasonable grounds, to see men brought in from other sections, and sometimes other countries, has a tendency to rile men and throw the country into trouble just at that particular time and place.

Q. Your organization is not opposed to the importation of those men when an employer finds it necessary in order to get the amount of labor he desires, is it?—A. No; if everything is right, certainly not. We do not object to a foreigner coming in or a new man from another field, providing there is work there for him.

Q. Providing the labor of that particular section is already employed, there is no trouble there?—A. Yes.

Q. What have you to say of the operation of the law forbidding contract labor?—A. We think that the law should be rigidly enforced—that no man should be brought into this country under contract.

Q. How about bringing a man from one State to another?—A. If it is an evil from one country to another, it is just as bad from one State to another.

Q. Conciliation, mediation, and arbitration, under State law or joint committees, temporary or permanent—what is the position of your organization on those questions?—A. Our organization is favorable to conciliation and arbitration, mutually, by joint committees.

Q. (By Mr. SMYTH.) By law or mutual agreement?—A. No; not by law. I do not believe that State or national law for compulsory arbitration would help matters any.

Q. (By Mr. RATCHFORD.) Has your organization ever expressed itself on that point?—A. Not to my knowledge.

Q. Are you opposed to the creation of State boards of conciliation and arbitration?—A. I have had no experience with them. I am very favorable, as far as I have seen them worked.

Q. Your organization would be favorable to them, you think?—A. Yes.

Q. As to the injunction in strikes, what have you to say?—A. Injunctions, as they have been dealt up to us by the courts of Allegheny County, have shaken the faith of the laboring people in the law—the right of the courts to issue an injunction prohibiting a man to work or go near a work because it displeases the employer.

Q. Have these injunctions been used as against the miners in any of their recent strikes?—A. Yes. I myself was enjoined two or three different times before going on or near the grounds of the New York and Cleveland Gas Coal Company's mine or property.

Q. Enjoined from committing some supposed crime, or enjoined from going on the property?—A. From going on the property or talking with the employees in or around that place.

Q. Did you contemplate destroying the property or committing any acts of violence?—A. Never. I was in that section for a couple of months, and there never was an act of violence while we were there. An injunction was served upon me before I had ever gotten to the place. It was an injunction restraining all the officers of the organization.

Q. This was during the strike of 1897?—A. Yes.

Q. Had you personal supervision of one of the miners' camps during that strike?—A. Yes.

Q. Is it, or not, correct that barrels of beer or barrels of whisky were sent there by some unknown parties, freight prepaid?—A. Yes; a barrel of liquor was sent to Turtle Creek.

Q. How many miners were in that camp?—A. We must have had 2,000 or 3,000 men some days.

Q. You have no knowledge as to who sent the liquor?—A. No.

Q. As the gentleman in charge of that camp, what was your action when that barrel of liquor was received?—A. I did not receive the barrel; did not see it. I heard of it being received at the station, and issued orders to ship it back; that we wanted no liquor about the place.

Q. (By Mr. SMYTH.) In whose name was it shipped?—A. I do not know who it

was shipped to. My information came from newspaper men, that there was a barrel of liquor at the station. I said, "You go back and have that barrel of liquor shipped away."

Q. (By Mr. RATCHFORD.) Where?—A. To wherever it was shipped from; that it would not be received.

Q. (By Mr. SMYTH.) Do I understand, then, that without your knowing to whom that barrel was shipped, you had the power to order it shipped back?—A. It was shipped, I understood, to the camp, and as I had charge of the camp, as soon as I was informed it was there I ordered it shipped back; to be returned; that we would not receive it.

Q. (By Mr. RATCHFORD.) What, in your opinion, could have prompted the shipping of that barrel of liquor by anybody?—A. If that barrel of liquor had been distributed among those men it would have been a very easy matter for the enemy to come into the camp, if he wished to, and pick a quarrel, and lead the men on to do something that would not be tolerated, and would not be done without liquor.

Q. Incite acts of lawlessness?—A. Yes.

Q. Have any of the officers or agents of your organization at any time been arrested for violations of injunctions, to your knowledge, under contempt of court?—A. Yes; I think they have; some of our members.

Q. What was the penalty; do you remember?—A. I think they were all finally settled up in court by paying the costs. There have not been any of the officers, to my knowledge, arrested for contempt of court, while all of them, I think, have been served with injunctions—more or less of them.

Q. The injunction is not regarded by your organization as a fair means employed in influencing results during strikes?—A. No; it is one of the means they take to intimidate the miners and their officers as against any further prosecution of the strike.

Q. As to the wages and methods of payment, what have you to say?—A. I fully believe that a weekly pay should be made in cash. It would largely put the miner in position to keep away from a company store. The evil of the company store would be abolished.

Q. (By Mr. SMYTH.) Have you any sliding scale in the coal mines?—A. No.

Q. Would it not be practicable?—A. Yes; I suppose it would.

Q. It is adopted in other countries, I believe; is it not?—A. Yes.

Q. (By Mr. RATCHFORD.) To what extent does the practice exist of issuing store orders in the mining districts?—A. To a very great extent. Where the company stores exist the miner has to go to the company office and he gets a coupon or store order book, sometimes like one of these monthly passes on a railroad. Different companies have different methods of doing it. They punch until every figure is gone, and they remain there as a relic. They will tear the coupons out amounting to the purchase, and so on.

Q. Is this custom practiced generally in the mining districts, so far as your observation leads you to believe?—A. Yes; wherever the company stores exist.

Q. Is the company store generally adopted by the operators in the different mining sections?—A. During the last year a large number have been opened up, and I believe there are more being contemplated in the Pittsburg district. During 1896 they were pretty much all done away with, but they come on one after another, until the Pittsburg district to-day has a good many of them.

Q. Is that also true of other districts?—A. In the Connellsville coke region to-day, under H. C. Frick's Coal and Coke Company, they have in the neighborhood of eighteen or twenty stores, termed the Union Supplies Companies, and I know that provisions, compared with prices where I live, are from 15 to 20 per cent higher in the company stores than in the stores around our section; that is, individual stores. There is no company store where I work.

Q. Do the mining companies operating those stores usually own or lease the lands upon which the mines and stores are located?—A. In some instances large companies, such as H. C. Frick & Co., own pretty much the surface as well as the mine. There are some places where the companies will actually prohibit a huckster going into the place, and if they see a box of groceries or anything else go to a man, they inquire the reason, and sometimes it causes his discharge.

Q. Is the existence of these stores in the mining communities in any case necessary or indispensable to the successful operation of the mine?—A. No; if an opportunity was given for an individual to come in and run a store. There are many applicants for such opportunities.

Q. Is that opportunity denied individuals?—A. Yes; where they own the surface, certainly.

Q. Where there is no other store in the mining community, miners are obliged

to deal in the store operated by the company—where there is no other store convenient enough to buy any goods?—A. Yes.

Q. Do you know of any instance in which the employer directly or indirectly brought influence on a workingman to deal in the store, or punished a workingman for his failure to deal in the store?—A. Yes. In years gone by we established in our section a cooperative store, and the manager of the company store came to the manager of our cooperative store and told him if he did not put the prices away up where it was possible for them to live, that he would crush us out of the business. He says, "We can do it, mind you. If you doubt my word, just watch our delivery wagon." We pursued our course, and of course times came around in 1897 when the company practically abolished its company store in that section. The cooperative store sold from 15 to 20 per cent less than the company store did in that section at that time.

Q. (By Mr. FARQUHAR.) Generally, in the Pittsburg district, are these mines near villages?—A. Well, generally speaking, yes.

Q. And in these villages are general stores?—A. Yes.

Q. Would it be possible for the miners to supply themselves from these village stores?—A. Yes.

Q. Have you such a thing as huckstering or delivery wagons through those districts there selling vegetables and meats and everything of that kind?—A. Yes.

Q. (By Mr. RATCHFORD.) Have you any companies in mind in which huckster wagons or delivery wagons were forbidden to sell goods to the miners where the company stores exist?—A. To-day at H. K. Wick's works at Wickhaven, there are notices up on the boards on the roads going into the company houses, that hucksters and trespassers will be prosecuted according to law; prohibited from going in or around the company houses.

Q. (By Mr. FARQUHAR.) Are hucksters licensed in the State of Pennsylvania?—A. Yes.

Q. Licensed for trade in the districts, on the public highways, and in the streets and villages?—A. Yes.

Q. Are there not, however, mines in isolated places where it would not be even advantageous to consumers to go long distances, and they would perforce have to trade in the company stores?—A. Yes; there are isolated cases of that kind.

Q. For instance, in the opening of new mines in new fields it becomes necessary to put up tenement houses and company stores?—A. Yes; in some cases; very few.

Q. Do you wish to make the statement here that the men that trade at those stores have not one word to say as to the prices of the goods that are sold in those stores?—A. Yes.

Q. So that they are thoroughly under the control of the owners of the mines?—A. Entirely so, yes.

Q. Are those stores usually owned by the owners of mines or are they started by parties who are in interest with the owners of the mines?—A. There are some places where the owner has them entirely; there are other places where he will get someone else to run the store, and he will get 10 per cent for stopping the money from the office.

Q. (By Mr. RATCHFORD.) Have you ever known of an instance in which a coal producer or operator failed to secure all the labor he needed at any new mine that he might open, even though he built no tenement houses and opened no stores?—A. Oh, yes; there are already cases where they can not get all the labor they want—in isolated cases, where there are no houses. That is only a matter of time; if he does that the man will have to build himself a place. Generally the miners, if they get the opportunity at all, would rather have no company houses.

Q. Is the building of company houses and the opening of stores indispensable to the operation of mines in every case?—A. No; not in every case.

Q. You believe that in every case the mines can be operated without either?—A. Either, yes.

Q. (By Mr. FARQUHAR.) You could open a mine in almost any part of Pennsylvania and get all the labor you would want in it whether the company store was there or a tenement house?—A. In a short space of time; yes.

Q. Notwithstanding the walking distance from near villages and markets?—A. Yes.

Q. (By Mr. RATCHFORD.) Speaking of the tenement house and the store and the supposed evils of which the miners complain, what, in your judgment, is the greatest menace to the trade, both from the miners' standpoint and the operators' standpoint?—A. The greatest evil to my mind that the miner has to contend with is the screen. There are so many intricacies connected with it and so many

advantages taken of it that it gives the miner more trouble than any other single thing.

Q. Differences in wage schedules in different States and sections?—A. The different wage scales in different sections are formed according to market prices and the condition of the coal. Various seams of coal have more or less difficulties, and as a result different prices, but they have all the same tendency toward about the same earning power per man.

Q. Have you anything to say as to the relative social condition of labor for the past 50 years?—A. I believe that the social condition of the laboring man to-day is much better than it was 50 years ago.

Q. What has improved the social condition, in your opinion?—A. The shorter workday gives the miner and workingman generally an opportunity to study, to elevate himself. As a result, the more knowledge he gets the higher the standard; he is desiring to better his social condition as the number increases and the conditions improve.

Q. The shorter workday has been secured by your organization, has it not?—A. True, through each other.

Q. Then your organization is one of the influences?—A. The whole of the influence; yes.

Q. (By Mr. FARQUHAR.) Has the miners' organization ever gained shorter hours through State legislation?—A. No.

Q. It has been simply by the cooperation of the owners and others in general conference?—A. Yes.

Q. (By Mr. RATCHFORD.) What can you say of the rates of wages during your experience, during the past 50 years?—A. To go back 50 years, they have fluctuated very much. They are better to-day, I believe, considerably, than they were 50 years ago in the mining industry.

Q. How long have you been in the Pittsburg district?—A. I have been in the Pittsburg district for a little over 17 years.

Q. How are they as compared with 17 years ago?—A. They are not nearly as high to-day as they were then.

Q. What price per ton did you receive, if you can recollect?—A. I think about $1.05 per ton, or 4 cents a bushel.

Q. What is the price now?—A. To-day it is 66 cents per ton over 1¼ inch screens; that is one-sixth of the screen less. It was 1¼ inch screen then.

Q. Influence of organized labor on wages; anything to say on that?—A. Well, the influence of organized labor has a tendency to get better wages; that is one of its prime objects.

Q. (By Mr. FARQUHAR.) Previous to your system of conferences did not all your rise in wages come from strikes?—A. Yes.

Q. Since then it has become a matter of mutual agreement?—A. Yes.

Q. (By Mr. RATCHFORD.) Was not a reduction during those days usually resisted by a strike?—A. Yes.

Q. To-day is the same true?—A. No; we have conceded reductions, large reductions, by our organization.

Q. Employment, increased or decreased number of employees, the unemployed. Have you anything to say on that topic?—A. No. At the present time we have not very many unemployed, I believe. The work is generally fair and men are in demand.

Q. What have you to say of the effects of the employment of children?—A. The effects of employment of children are largely minimized in the coal mining in Pennsylvania. We have a law there prohibiting children until in their teens. I think it is 12 years at which the law says he can go in, but the school law interferes there and says until he is 15 years of age he has to go to school. Consequently we have not much evil effect from child labor in the mines; but I well remember when there was lots of it, and I well remember it had a very injurious effect.

Q. Which do you regard as the best law for all concerned, the 12-year limit or a higher limit?—A. Fifteen years.

Q. Seasonal causes, I presume, operate largely in your business as causes of irregular employment?—A. Yes; we have the season of lake navigation, for instance, when the lakes are open—just coming on this season—when all the men are generally employed.

Q. Ship largely from the central coal fields to the northwestern markets?—A. To the northwestern markets.

Q. River shipments also?—A. River shipments when the water is in a navigable state. They ship large quantities of coal down the Monongahela River to the lower markets.

Q. (By Mr. FARQUHAR.) Is it not usual there to have the coal shipments on the lakes about the last?—A. If everything is going on peaceably and fair, I think that they generally try to ship it during the whole of the season, but we have seen—last year, for instance—where they hold off the season very late, and make the larger shipments in the back end of the season.

Q. Was that to make a poor market in the West and bring the supply in late in the season?—A. I think it was contemplated for a reduction, for getting the coal at a reduced rate that year.

Q. (By Mr. RATCHFORD.) The average number of days employed during the year?—A. I do not suppose that the miners will average 200 days per year.

Q. Hours of labor in the several States; Sunday labor?—A. The hours of labor in our section is 8 hours. We have some little Sunday labor; machine mines, where the machines are run night and day. Coal loaded out on Saturday leaves bare places, and men will go in on Sunday night and cut coal; that is, a small portion of them. There are not many and it is not in all mines. In slack times they generally can get along without.

Q. Is this Sunday labor agreeable to the men employed?—A. If they object to it they lose their positions; they either have to do it or go.

Q. (By Mr. FARQUHAR.) What is the position of your organization on Sunday labor?—A. It is not favorable; we are opposed to Sunday labor.

Q. (By Mr. RATCHFORD.) The shorter workday, its effect, the economic and social arguments against it; what have you to say on that?—A. The shorter workday is a blessing to the country as well as the individual. Everybody is benefitted by it by raising the standard of intelligence. I approve of the shorter workday in all branches of labor. I believe that the ability to produce is so much larger than the ability to consume that it is not necessary to tax the laboring people to work so long and produce so much more than we can consume in a given time.

Q. (By Mr. FARQUHAR.) Do you not think that a mine is probably as severe a test on the physical energies of a man as any trade there is in this country?—A. The coal mine, to my mind, taxes the physical ability of a man more than nine-tenths of the trades. They are barred from the sun and pure air, and I do not believe that a man ought to be allowed to stay in a mine more than 8 hours.

Q. On account of the sanitary condition of mines and the hard work, have they not been, in the main, the reasons, both in Europe and this country, why the hours have been shortened and will be shortened?—A. Yes.

Q. It is as much a physical as a moral reason?—A. Yes.

Q. (By Mr. RATCHFORD.) The operation of existing laws as to screens, company stores, etc.; have you any laws in the different States touching upon these subjects?—A. We have no screen law. Custom or agreement has established a uniform screen of 72 superficial feet, with rod, bar, flat surface, with sufficient bevels to keep the screen in good working order; but there is no law, and there are some violations even of this agreement. I have mentioned this mine at Wickhaven, where the screen to-day stands 80 feet.

Q. (By Mr. A. L. HARRIS.) What space between the bars?—A. An inch and a quarter between the bars.

Q. (By Mr. RATCHFORD.) Was there a law in your State totally abolishing the screen that has been declared unconstitutional?—A. Yes.

Q. Is the coal that the miners mine screened before it is credited to their account?—A. Yes. The miner loads his coal into the wagon and sends it out. It is dumped over the screen. The big coal that goes over the top of the screen goes into a bin and is weighed there. The slack is taken out; there are sometimes two or three different grades of coal made out of the screenings.

Q. What percentage of the entire product will pass through the meshes or bars of the screen?—A. I think that the committee that undertook that job proved that 39 per cent did.

Q. Who composed this committee?—A. William Dodge, the vice-president of the miners, and Uriah Billingham, a member of the executive board for the miners. I think Mr. Schluederberg was one of the committee for the operators, with several other gentlemen.

Q. It was a joint committee of both the miners and the operators?—A. Yes.

Q. Of this 39 per cent that passes through the screens, what disposition is made of it?—A. All of the nut coal is sold. The nut coal for domestic purposes is practically as good as the screened lump. For many people they would prefer to have it to having the big lumps to black up. I think the difference is not very much—the difference of price between the nut and the lump coal. Slack, of course, is rated away down much less. The different markets have different prices for those grades of coal; they vary.

Q. The contention of your organization is not to abolish the screen so much as to weigh the coal before it is screened and pay the miner a common price per ton for it; an agreed price.—A. Yes.

Q. Then allow, of course, the operator to screen it and fit it for the market as he thinks best?—A. Yes.

Q. In case this is agreed to, or where it has been agreed to in any case, has the miners' organization been willing to cut down the tonnage price in proportion to the amount of screening?—A. We are willing to deal. We have two prices. We get 42.66 cents for run of mine price to-day, and 66 cents per ton for screened coal.

Q. Does your organization favor cooperation?—Yes; we favor cooperative production.

Q. Any other form of production?—A. Profit sharing. There is a thing that, to my mind, would interest every man, where the producer is to get a share of the profits. It interests every employee to bring all out of the business that there is in it. Cooperation is just the same, to my mind, only in a different form. The same end is obtained.

Q. Have you any cooperative mining plants now that you call to mind?—A. No; we have some in name; but in purpose really their chances of success are limited; and they have actually operated against the best interests of the mine, where it is cooperative in name but not in practice.

Q. What is the effect of immigration on the mining industry?—A. The effect of immigration on the mining industry has been injurious to a large extent. Men without regard to education, morals, or anything else have been brought into the mines, and the person that has been willing to put up with the lowest conditions that were possible for a human being to exist under has been the man that has been preferred in some instances, and can get employment, when a good, practical, skilled miner has been refused. I mind one instance, where I went and asked for employment in the Standard mine at Mount Pleasant, a very large concern, the mine being known to contain a considerable amount of gas, and every man required to work with a safety lamp. I saw four gentlemen get work of the superintendent when he had refused me half an hour before.

Q. What reasons do you assign for that?—A. I think that these men were more humble in appearance, and would put up with conditions that I would object to; but finally I got employment. I went down the cage with those men the next day. Each one of them had a lamp in his hand, going into a gassy mine; never had seen a lamp before, and wanted to get a light, and they commenced to pick the wick away up. They were going in there, taking the risk of every other man's life, who is depending upon the action of each individual that goes in there.

Q. (By Mr. SMYTH.) Are you a native of this country?—A. No; I am not.

Q. When did you come to America?—A. 1881.

Q. Are you a naturalized citizen?—A. Yes.

Q. Still you would be willing now to close the doors to other immigrants coming into this country?—A. No; I would not; I am willing to raise the wickets some.

Q. What suggestions would you make about regulating immigration?—A. That an immigrant coming in here should be up to a certain standard of intelligence; he ought to be able to read and write the English language.

Q. You would not be satisfied with his being able to read and write the language of his own country?—A. No.

Q. That would be prohibitory, then, that far?—A. As far as the immigrants from the Continent of Europe are concerned.

Q. Would it not leave the door open then only to Great Britain?—A. Not necessarily. It would set the people of these other countries to educate their intended immigrants up to that standard.

Q. (By Mr. FARQUHAR.) Do you take the broad view that there is enough of unemployed labor locally in this country without further immigration?—A. Yes.

Q. Do you mean that the restriction would only be temporary instead of permanent?—A. Yes; until conditions change according to the needs of industry.

Q. Are you troubled with what is called padrone or contract labor in Pennsylvania at present?—A. We have this: There is contract labor to-day; that is, those men working for the New York and Cleveland Gas and Coal Company to-day are working under a contract.

Q. (By Mr. RATCHFORD.) Does the non-English-speaking class of immigrants follow mining more than other trades, or less, to your knowledge?—A. I do not know. I think it is generally unskilled labor, and they earn more money if they can get into the mines at all.

Q. Does that class follow mining more than the other?—A. I think they follow mining more.

Q. In treating with this class through your organization do you experience any difficulty in having the men observe your rules and follow a strike order as American miners would follow it, simply regarding it as a fair difference of opinion between employer and employee that is going to be fought out along peaceable lines, or do they regard it as something more in the nature of a hostile uprising?—A. They are not as peaceable in strikes. When you get them to strike their conception is to take things by force. Nine cases out of ten when any trouble arises it is these people that are the cause of it.

Q. Have they any knowledge of the wages that are paid, or ought to be paid, for the standard of living?—A. No; they never speak of the standard of living. If they are satisfied, whether the organization wants them to or not, they are going to do as they please. They have at some times actually made attempts upon the lives of the officers of the organization when the officers have advocated certain peaceable methods.

Q. Have you quite a number of those people in Western Pennsylvania and West Virginia?—A. Yes.

Q. What is the condition of their homes as compared with American miners? Have they families usually?—A. Some of them; yes. We have in our section company houses, 14 by 16, four rooms, or two rooms 14 by 16, and two 12 by 14. I have known as high as 23 in one of these houses.

Q. Twenty-three men?—A. Twenty-three men, a woman, and two or three children. They will sometimes arrange it with the man of the house. The man of the house, boarding boss, takes them, and the woman works for the whole of them, and the boarding boss buys the whole of their meat with one book. That book has set down under each what is bought, and each man pays the division, whatever that part is.

Q. Has your organization ever taken action in any of its conventions either encouraging or in favor of restricting immigration, or touching the immigration question?—A. No; I do not think that the organization has taken part other than to advise against the contract. I am not positive.

Q. What have you to say as to the sufficiency of public-school facilities in the several States, and suitability to the needs of the working people?—A. In Pennsylvania (that is all I know much of) we are fairly well supplied with public schools; we have nothing to complain of in that regard.

We are very anxious that an employers' liability law should be passed. It is something that is needed. A man who offers his services for the production and advancement of the trade of the country, if at the time of accident or death that trade may not be able to take care of its own men, they are helpless.

Sanitary and personal-safety laws: We believe that the best sanitary conditions that could be gotten should be had. We do not believe that it is money well saved in the shape of putting in inferior sanitary conditions.

Mine-inspection laws, we have not very much to complain of. Check weighman laws: As long as coal has to be weighed we think that the check weighman should have a right to see that every pound of coal that is in a car is credited to the miner. The check weighman there is limited to some extent in that he has not the right to demand that the scales be tested as freely and fully as he ought to. They claim that the check weighman can only test the scales at convenient times; that he is not to interfere with the operation of the mine. If a party is so desirous—and I am sorry to say that we find that at places that is so—the scales can be doctored with a touch, and as long as that coal is there the check weighman has no right to ask that they be adjusted. The coal is there, and to stop to ask that the scales be adjusted and tested would interfere with the running of the mine, and it is the policy of the operators to keep the coal standing at the screen all the time, so that it is only in the morning and evening that the testing can be done, and in one second the scales can be knocked out of gear. We have another system where it speaks of coal being weighed or measured. The system that prevails in the coke region is by measurement. Wagons are built to hold 3 tons of coal, or in that neighborhood. They are built narrow at the bottom and big or wide at the top. Under the system of measurement they demand that a hump be put on the top of the wagon at the pits, and if that hump is not up to the liking of the officials in power the man is suspended—told that he is docked for a slack wagon. The same man that only wants to scale to the full of the wagon is notified two or three times a week, and sometimes discharged entirely if he will not comply with the laws that are laid down. We believe that all coal should be weighed and not measured, and that coal should be weighed before it is screened, and the check weighman should have the right to test the scales whenever he has reason to believe that there is something wrong, whether it interferes with the running of the mine at that time or not.

Q. (By Mr. C. J. HARRIS.) Suppose the miners wanted to change the scales and have them tested about fifteen or twenty times a day?—A. If the check weighman had reason to believe that the scale was out of gear, I believe that it would only be reasonable and fair that it should be tested.

Q. Do you mean to imply that they cheat you with regard to weights?—A. Yes.

Q. Have you definite proof of it?—A. Yes.

Q. Just give any definite proof of it?—A. Well, we sent Mr. Steen to State prison for it, but through some technicality of the law he was let out.

Q. That is one instance. Have you any other instances in that regard to offer? Mind, you make the general charge.—A. I do not know that I made a general charge. I am telling you the possibility.

Q. We do not want possibilities, but facts.—A. Well, I could not.

Q. (By Mr. RATCHFORD.) Do I understand you to say that every operator cheats in weight?—A. No.

Q. You have been asked to point out an instance, and have pointed it out; and now, if there is any further proof required, would you refer the commission to the investigation of the legislative committee of Pennsylvania?—A. Yes.

Q. In order that the position of the organization that Mr. McKay represents here may be more thoroughly understood, I want to ask him one or two questions. Many things have been brought out in the testimony to-day that would lead men without his knowledge of the conditions of the mining trade to believe that there are many injustices practiced. I want to ask if it is not a fact, in his experience, that the average coal operator with whom he has come in contact wants to treat his men fairly, as much so as in other trades, allowing for a fair difference of opinion to exist as between him and those men or their representatives?—A. Yes; generally speaking.

Q. Is it not also a fact that the small operators, even the single operator, such as you refer to in the De Armitt case, who has a large production, can do more injury to the coal trade from the standpoint of the miners, than twenty operators can do good, who have a production equally as large?—A. Yes; that is right.

Q. That being true, then we are to understand that your organization has no fight against the operators as a whole?—A. No; not as a whole.

Q. And that in most cases the operators join hands with the miners' organization to try to reach the evils and remedy them?—A. Yes; that is right.

(Whereupon the commission took a recess till 2 o'clock.)

STATE OF PENNSYLVANIA, *County of Allegheny.*

I swear that the statements made by me of my own knowledge in the foregoing report of my testimony before the Industrial Commission are true, and that all other statements I believe to be true.

EDWARD MCKAY.

Sworn and subscribed before me this 5th day of July, 1899.

H. R. MCPHERSON, *J. P.*

WASHINGTON, D. C., *April 12, 1899.*

TESTIMONY OF GEORGE W. SCHLUEDERBERG,

Coal-mine operator, Pittsburg, Pa.

The commission met at 2.30 p. m., Vice-Chairman Phillips presiding. Mr. George W. Schluederberg, coal-mine operator, Pittsburg, Pa., testified, the topical plan of inquiry on mining being followed.

Q. (By Mr. C. J. HARRIS.) Where are you operating?—A. We are operating in the southwestern part of the State on the branch of the Pennsylvania Line known as the "Pan Handle." We are also operating a little east of that, on the Baltimore and Ohio Railroad, on the Wheeling Division, and are operating on the Baltimore and Ohio Railroad, Main Division, just west of the Connellsville district, and we are operating to the north, on one of the branches of the Baltimore and Ohio Railroad, known as the Pittsburg and Western.

Q. Just generally?—A. In the Pittsburg district. We have three localities, of twelve mines: The First Pool Monongahela Gas Coal Company, the Pittsburg Consolidated Coal Company, the Robbins Coal Mining Company, the Willow

Grove Coal Mining Company, the Midway Block Coal Company, the Oak Ridge Coal Company, the Robbins Coal and Coke Company, the Pittsburg and Chicago Gas Coal Coal Company, the Waverly Coal and Coke Company.

Q. What is the number of miners you employ?—A. About 2,000.

Q. What do you know of the growth and general results of trade unions in your part of the State and community?—A. Trade unions, in my early experience, which was some 30 years ago, were very overbearing and caused a great deal of embarrassment; but in later years, since there has been a closer coming together between the laboring men and employers, our dealings in the Pittsburg district with the organization known as the United Mine Workers have been very satisfactory. In the early days of the mining industry things were in rather a crude state. We have learned much, both operator and miner, in coming together in our annual or interstate meetings. We have worked in a harmonious way on lines of conciliation and arbitration; have never had to resort to arbitration, but have always arrived at results by merely consulting, becoming acquainted with one anothers' condition, and agreeing upon terms. That is my experience in the Pittsburg district; and as far as labor unions are concerned, the only drawback to those who recognize them in a manner, is that they are not strong enough or able to enforce conditions in competitive districts, and thereby we labor under more or less disadvantage, for the reason that we agree, and are in a manner bound to do certain things, follow out certain lines that others in surrounding districts and surrounding States are not called upon to do, and at times it makes it a hardship to operate on the lines that we do.

Q. Where is your chief trouble at present from that competition?—A. The chief trouble lies within our own Pittsburg district and West Virginia.

Q. What is the proportion of employees in the mining industry in the Pittsburg district who are members of trade unions?—A. I am not well informed on that; my opinion is that about 25 per cent of the miners of the Pittsburg district are, properly speaking, members of the labor organization—are proper members—but the miners in the entire district are controlled by them; that is to say, that in case of any question arising whereby the organized board takes a certain stand, there is no trouble in having the nonaffiliated falling right in line and following out their dictates.

Q. (By Mr. FARQUHAR.) What are the competing markets as against the Pittsburg district and other districts that you know of as an operator?—A. The market of the Pittsburg district for 8 months of the year is by rail and water; from the mines by rail to the ports of Lake Erie, from there to the Northwest, taking perhaps 5,000,000 tons during that 8 months in the year. That is a competitive point for the coals for the Northwest—by which I mean landing places—Duluth, West Superior; and from there it is distributed all over the Northwest. Those cities have a competitive market for the Pittsburg district, the Ohio coal, and a part of the Indiana coal, and largely Illinois coal; Illinois coals having this advantage, that they are nearer to the market and can reach there by all rail; we can not. It is also a market that is sought and taken by West Virginia, a comparatively new country without any system, where men do as they please, as we did in the Pittsburg district years ago; where men are paid lower wages and are not fairly treated; and railroads make lower rates and run that coal into what we call our market or our competing point, and it is in that way a disturbing factor.

Q. Is it so that there is an arrangement among the producers in the Pittsburg district for a division of markets, or are you all competitors?—A. We are all competitors with one another, which is an unfortunate condition.

Q. Would you say that the low wages and the less organized features of bodies in the West Virginia mines give them that opportunity to compete as against Illinois, Indiana, and Ohio coal, the Pittsburg coal, say, in the Chicago market?—A. Yes.

Q. The low wages would be a controlling factor, and probably the discrimination of rates?—A. Those are the conditions, the low and unsystematic wage rate, and a low railroad rate as compared with others. That coal not only becomes a competitor in the markets of the extreme Northwest, but also in the markets of Chicago and points a little east of that.

Q. (By Mr. CONGER.) Do you know if the railroads are interested in those West Virginia mines, or what are the reasons for the discriminations?—A. So far as knowing, I do not know whether they are. I think, in some cases, to begin with, these roads are opened up into regions where they have no earning power, and are all depending upon this coal, and I think the road considers it to its interest to haul the coal at a rate which will put it into the market, in order to get the road business and an income, and I think, in addition to that, at times officers of the roads are interested; now, that I do not know, I simply think that.

Q. (By Mr. C. J. HARRIS.) Is there fineness in the quality of the coal—better quality or different quality—that would lead to its driving you out of these competitive points named?—A. As far as the Pittsburg coal is concerned, no. There is not on the face of the earth a vein of coal so well located or complete, and so regular, and that can be so well mined, as Pittsburg coal. Then coming to the quality of the coal, I do not think it can be surpassed. I think the coal coming from West Virginia is inferior to our coal.

Q. (By Mr. RATCHFORD.) Please explain whether coal is mined and weighed on the same basis in West Virginia as it is in competing States?—A. It is not. I have information from there that was gathered particularly for the information of our joint interstate meeting that took place in Chicago. Our information is that the coal, instead of being weighed, is mined there by measure, and that means anything.

Q. Has it been the contention of the operators of your district and of Ohio and other competing districts, whose trade was being injured materially by competition from West Virginia or supposed to have been, that coal mined within that State, under that system of measurement, was not all paid for; that the miner mined considerably more coal each day than he was credited with?—A. That is what I mean when I say being mined by measure; the miner does not know what he is getting, and is not getting what he should get.

Q. What is your opinion in regard to the cars or carriages in which this coal is measured; is there any truth in the charge that when they are replaced by new ones, the new ones are always larger than the old ones and the standard of measure remains the same?—A. That I do not know.

Q. There are three points in which you believe that West Virginia has an advantage over competitors; first, in cheaper tonnage; second, discrimination of freights; third, by reason of the system of measurement instead of a rate.—A. Unsystematic mining.

Q. (By Mr. FARQUHAR.) What is the difference in wages paid in the West Virginia districts and in the Pittsburg districts to miners?—A. I do not think there is such a thing as a West Virginia scale. Each mine seems to make its own prices. Our reports are that at one mine they pay so much per wagon, 33 cents; a wagon may contain 40 bushels, which is 2 tons; we pay for the same grades of coal, run of the mine, 42½ cents per ton.

Q. (By Mr. C. J. HARRIS.) Do you have the same disadvantages to contend against in your own districts with unorganized miners?—A. We have, right at home.

Q. (By Mr. FARQUHAR.) Are the mines of the Pittsburg district generally worked, as far as your miners are concerned, by union labor?—A. To the extent of the number that are, strictly speaking, members of that organization; but we have within our Pittsburg district large mines where union labor is not at all recognized, that are working entirely with nonunion labor.

Q. Do you know of any system of discrimination against union labor in the Pittsburg district, with the exception of one or two mines, on the part of the operators?—A. No.

Q. Is it not a fact that usually the union labor is most efficient in the working of your mines?—A. Not necessarily; we have very good miners that are not union miners.

Q. Is it not an advantage on the part of the operator there to have all the men, through the representatives of the committees, to make arrangements with respect to the scale of wages and the other privileges attached to mine operations?—A. As I have already stated, this is a disadvantage against us. Right in our own district there is a large body working as unorganized men of outside States against us, which makes it a hardship upon us; who believe that experience has taught that this is an unfair way of ruling us. The one fault I have to find with the labor organization is that they are not able to regulate matters so that the entire thing will be uniform.

Q. You would think, if it were thoroughly organized in the Pittsburg district, these conferences would result to the benefit both of the miner and the operator?—A. In view of past experience, yes, if conditions remain about as they are. Labor organizations as well as operators are controlled by human nature. There is a possibility that organized labor, becoming too strong, might become troublesome.

Q. Is it not a positive benefit to the operators in any district in the country to have, for instance, an organization in Illinois which will establish suitable rates and suitable prices for operating mines, and one in Ohio and Indiana; does not that help your district in the long run?—A. It most decidedly does.

Q. (By Mr. SMYTH.) Do you employ any nonunion labor?—A. We employ both. We do not dictate to our men whether they shall be organized or unorganized; some are and some are not.

Q. (By Mr. PHILLIPS.) Do they work mixed?—A. Yes.

Q. (By Mr. RATCHFORD.) Is the strength of the labor organization to be feared so long as its numbers remain the same, if its leaders are equally as conservative as they are at present or have been, and is not greater fear to be apprehended from an organization that is led by hot-headed men, even though it is weak, than from the same organization, strong as it may be, led by conservative men?—A. Organized labor, led by able, conservative, strong men, is the better of the two.

Q. (By Mr. C. J. HARRIS.) Do you think that competition of other districts and the competition arising from unorganized labor has the effect to keep organized labor down within legitimate, reasonable bounds?—A. It does keep them within certain bounds because they are not organized in competing districts; they can not ask quite as much of the unorganized districts as they might or would ask if they were all organized.

Q. (By Mr. RATCHFORD.) Is it a fact that if this unjust competition of which you speak was removed, that the operators of your district could afford, without injury to themselves, to pay a higher price for mining and have equal opportunities to that of the present?—A. That is true. We could afford to pay a little more for mining and make more money.

Q. Then the demands of the organization, whether high or low, are measured by the conditions that surround the miners and the operators, taking into account the competitive price, and those conditions are recognized by organizations as well as operators?—A. Yes.

Q. (By Mr. C. J. HARRIS.) Strikes, arbitration, etc.—A. The question of strikes, I do not know that I can give you any new light on nor the results of the same. I think strikes are always wrong and result in disaster to the employer and employee and to the community at large. The striker may claim victory but he has not gained anything; he is just that much behind—just that much poorer. The employer has his plant upon which there is always a fixed charge and which is really cheaper to be in operation than idle. The community at large loses because the men are not employed. The boarding-house keepers, the storekeepers, and all lose.

Q. (By Mr. FARQUHAR.) Suppose the strike runs 8 months, do fixed charges go on?—A. As at present constituted, yes; before the era of machinery, no.

Q. (By Mr. A. L. HARRIS.) What do you mean by fixed charges in the mines?—A. Our mines at this late day are further underground; we have water to pump whether we are running or idle; we have roads to keep in repair whether the mine is in operation or not; we have certain machinery used in the operation of our mines that is to be looked after and kept in motion; all of which amounts to a great deal.

Q. In your experience what have been the general causes for strikes?—A. In a general way man's unfairness to man. In some cases the operator has been at fault by trying to take advantage of conditions when he thought he could force lower prices, depress prices of mining, thinking he would gain something in the market. On the other hand, men have, for very trivial causes, struck in the past; but I will say this, that since our interstate agreements control the miners, and indeed the mine workers, we have not had this trouble.

Q. Do you find, with the progress of labor organizations, less trouble about strikes, or more, than you formerly did?—A. Less.

Q. By Mr. FARQUHAR.) The principles that actuate organized labor have not changed in the last 15 or 20 years, have they?—A. The organization of miners has brought about yearly State and interstate conventions, at which miners and operators have met, become acquainted with one another, learned their wants, and become acquainted with the faults of one another; have consulted together, so that we know one another better. We, as operators, are a little more liberal, and fairer; so are the miners in the same measure. There is more intelligence on both sides.

Q. Suppose that in your conferences the miners and operators came together to make a fair living scale for the miner, agreeable to the operator and the miner, to sustain a certain or prearranged amount of product of the output on the part of the operator, would not that mean control of your markets and fixing prices for the consumer all over the country?—A. Well, if we were able to do that, it would certainly be better for both parties. We can not control selling prices; we can simply agree upon a price to be paid the miners, making that all that the business will warrant, the operator taking his chances on making it either a loss or a profit. The conditions surrounding business in the Pittsburg district are such that we can not control selling prices; in other words, there is an overproduction and has been for years.

Q. Suppose that all the operators and all the miners joined; can not they con-

trol the prices then to the consumer all over the country?—A. If it was not for that word "if" they could; but they can not—never will.

Q. (By Mr. C. J. HARRIS.) Would not that state of affairs be hard upon the consumer of your product?—A. Not necessarily, if the same spirit of fairness prevailed that prevails now. Take, for instance, the coal business of Pittsburg: if it were put in a trust to-day, there could be 10 cents a ton put upon it, to give the operator only a fair price, making it a very liberal price to the consumer, and enabling the operator to pay the miner readily what he is paying now, with perhaps a small per cent of advance.

Q. (By Mr. SMYTH.) You do not object to the trusts, then, on principle?—A. As an individual, I am opposed to the present conditions. I believe in the times gone by, when there was an opportunity for small traders to do business. The conditions surrounding us at the present time are such that we must go with the times or sink. Therefore I am forced into the belief that the only salvation of the coal business is the trust; a trust of this nature, with money enough to buy up the entire Pittsburg field and put it under one head, and do what I said, raise the price of coal 10 cents per ton, and they can make—what has not been done in the past—they can have an income on the capital invested in the trust, and treat the consumer and miner fairly.

Q. (By Mr. PHILLIPS.) What is to prevent them raising either 25 or 50 cents a ton?—A. They could hardly do that; that could not come about even in the Pittsburg district. A trust coming in there now could not only buy up the principal mines but perhaps all the mines; but the conditions in the Pittsburg district are peculiar; we have so much coal which is easily opened that if they went into the business on that basis there would certainly be more coal opened up. It is beyond the scope of any trust to take it all. I do not think that will ever happen.

Q. (By Mr. FARQUHAR.) Is it true, as a business proposition, in Europe as well as in America, that an inordinate high scale of wages, or inordinate price to the consumer, can not be sustained for any length of time?—A. That is our own experience, so far as my information goes.

Q. (By Mr. C. J. HARRIS.) What have you to say in regard to the way these unorganized operators run their business?—A. I am speaking of our interests and our conditions as an individual. I believe in the right to contract, and I believe that I have a right to hire whomsoever I please and discharge whom I please. On the other hand, the workingman has a right to work for me or not. I would not under any circumstances allow him to dictate to me whom I should employ, with all due respect, and acknowledging their worth in our dealings. I regret exceedingly they are not able to cover the entire territory of the Pittsburg district. The fact of their not being able to do that is causing to the operators of the Pittsburg district—some more, others less—quite a financial loss on their investments, for the reason that certain operators are producing coal with the pick at a price fully as low or less than it is costing us to produce with machines. It costs us a certain number of cents per ton less to produce a ton of coal, to mine it, with the machine than by pick. There are certain operators in the Pittsburg district who are paying a less price for pick coal, are producing it a little less than those who have machine mines. It is unfair, and it has caused a great deal of trouble and loss to the operator and disaster to the miners at times.

Q. (By Mr. RATCHFORD.) Will you explain how these losses have been caused?—A. The man who is able to operate his mine at from 10 to 15 cents per ton less than his competitors of that district simply walks out and takes in all the good trade and leaves to the others just what he does not want.

Q. In that case does he take contracts that he can not supply in time?—A. He takes all he can get. It is more than his mine can supply.

Q. And in that way makes prices for the others?—A. He does. He has that advantage; and where there is an overproduction, the man that produces at the lowest price takes the contract.

Q. (By Mr. PHILLIPS.) Are there not natural reasons why some mines can produce cheaper?—A. As far as different localities are concerned, no; as far as individuals or different mines are concerned, yes. There is another thing; he may not have water to pump; he may work in light hills that have no expense in perfecting the necessary ventilation; he may have another mine that goes into a deep hill, and have gases to contend with, and have the expense of ventilating it. There are endless points which make one mine more expensive to operate than another. They are scattered throughout the district.

Q. Does the thickness of the vein have anything to do with it?—A. It does. The Pittsburg district has two conditions; the thin vein striking an average of 4 feet and running up to 5 feet in thickness, and another vein 8 feet and sometimes 9 feet in thickness. They have been disturbing elements there. They are the ones that I referred to.

Q. (By Mr. C. J. HARRIS.) What have you to say about the importation of new or foreign labor in case of strikes?—A. Importing labor in the Pittsburg district from foreign countries has not been the case. I do not include the Connellsville district; while it is Pittsburg coal, it is not Pittsburg coal proper, lying at the foot of the Allegheny Mountains. They have imported foreign labor.

Q. (By Mr. CONGER.) In case of a strike, have any operators imported labor from other districts of other States?—A. We have; I have; not very recently.

Q. (By Mr. PHILLIPS.) White or colored labor?—A. Both white and colored. We have negroes from the South, and we have taken mixed nationalities from New York.

Q. (By Mr. CONGER.) Were they experienced miners?—A. No.

Q. Did you find them as efficient in the mines as experienced miners had been?—A. After a short period of probation, as it were, teaching them.

Q. About how short?—A. We made them coal miners in 2, 3, to 4 weeks.

Q. It is usually in case of strikes that you import these laborers?—A. Yes.

Q. Are strikes brought on by organized or unorganized labor?—A. By unorganized labor mostly.

Q. What was the cause of this strike? —A. Men demanding greater wages than we could afford to pay.

Q. Were you at that time paying by the day?—A. Paid by the ton.

Q. Do you remember what that price was?—A. We were paying, as far as my memory serves me, 78 cents a ton, and they wanted 91 cents. This was in 1884.

Q. About how many men did you import at that time?—A. We brought 50 negroes from Virginia.

Q. How many from New York?—A. At that time none. Some years prior to that a number of operators jointly brought some 300 Italians from New York.

Q. What was the final result of this strike when you imported the 50 negroes? Did the men go back to work?—A. The final outcome was that the men went back on our terms.

Q. (By Mr. PHILLIPS.) What became of the negroes?—A. They remained right there where they were, and there was not really anybody thrown out of employment at that time, because during strikes men scatter.

Q. (By Mr. C. J. HARRIS.) What has been your experience in strikes with conciliation, mediation, and arbitration?—A. We have had experience in that with the miners for the past 12 or more years.

Q. Have you been able to effect anything?—A. We have always brought about a satisfactory condition of affairs. I think it worked along without any trouble until after the depression began in the coal business, about 1891, and getting worse as we went along, until, in 1897, through the general demoralization of the trade and overproduction of fully 50 per cent, individual operators tried to reduce the price of mining, and there was a rupture between the miners and the operators; really a violation of an agreement that was made, but in a manner forced upon the operators because of the conditions existing in the district that I have already spoken of—that is, a lower price in the district than we had agreed upon with the miners. That is the only trouble we have ever had during all the period of our intercourse with the miners, as far as my experience goes, and to my knowledge and information it has been very satisfactory.

Q. You have been able to settle by arbitration?—A. We have never had to resort to arbitration. It was in coming together and comparing notes and arguing, where demands were made by the miners that were considered exorbitant or outrageous. We simply talked the matter over, and in some cases flatly refused to do certain things, and finally came together with them.

Q. (By Mr. RATCHFORD.) You assign the cause that you have just spoken of as the chief cause that led to the strike of 1897—individual operators cutting the price, and to that extent violating the contracts?—A. That is my remembrance of that affair.

Q. Are you satisfied that the miners' organization tried to avoid that strike or did they court it?—A. I will say for the miners' officials that they did all in their power to avoid that strike. I will say for the operators that many of them saw the injustice and evil of it, but had to fall in because others, who were large producers and were not of the same opinion, were not as liberal, and insisted that they should have as good treatment as anybody in the district.

Q. Do you think, as a whole, that that strike resulted in advantages to the trade, shared by miners and operators alike, or otherwise; do you think it did any good?—A. I do not think it did. The same conditions that existed prior to the strike still exist; that is, the particular conditions I have referred to.

Q. (By Mr. CONGER.) Are not the miners receiving better pay now than they did before the strike of 1897?—A. Yes.

Q. Then the miners must have gained by that strike?—A. Yes, as far as price is concerned, because the effort was made to bring them down to this lower price of the district. They were getting, I think, 65 cents a ton, and the effort was made to bring them down to 54 cents or less. I think that was the price of some of the competitors.

Q. What do you pay now?—A. At that time we worked upon the basis of inch-and-a-half screened coal; now we are working on a recent agreement—inch-and-a-quarter screened coal. We pay 66 cents a ton for that, or 42½ for run of mine. In run of mine we pay for all that comes from the mine. For the privilege of screening that coal we pay the difference between 42½ and 66 cents.

Q. (By Mr. A. L. HARRIS.) Do you give your miners the option of screening or run of mine?—A. We do not; and generally it is not given in the Pittsburg district. Our markets there require screened coal, and we screen our coal and pay for screened coal.

Q. (By Mr. CONGER.) Do you pay for any coal mined at the rate fixed for run of mine?—A. We have one particular small place where we furnish coal direct from the miners to the railroad, where it is taken as run of mine, and we pay the miners run of mine; just a small fraction of our business.

Q. You do not in any case pay the miners for run of mine and then afterwards screen the coal yourself?—A. No.

Q. Is that practice in vogue anywhere?—A. That is being done in some localities.

Q. (By Mr. C. J. HARRIS.) What is your experience in the use of injunctions in cases of strikes?—A. I have had no experience personally in that line. I have never had an injunction served on me, nor have I ever had occasion to serve one on labor leaders, either organized or unorganized. On the several occasions that I have imported men I made it my individual business to remain with them, and can say for myself that I made it a success in every case.

Q. Wages and method of payment: What system of payment is in use in your district?—A. We pay our miners in cash bimonthly, and I think that is generally done in the Pittsburg district. There is a law requiring bimonthly payments.

Q. (By Mr. RATCHFORD.) Is it observed generally?—A. I think that the miners are paid every two weeks at all the mines I know of.

Q. Do you mean by cash payment, where men receive the surplus due them in cash after their store bills have been deducted, or do you mean that they receive their earnings in cash free from any deduction?—A. I mean their net earnings. It is customary to deduct from the miner such charges as are made against him—blacksmithing, house rent, coal, etc.; then, where store orders are used, they are also deducted from the miner, and he is paid the net balance. What I specially mean to say is that they are paid every two weeks.

Q. You do not consider a company as paying cash that makes it a practice to run a store in connection with the works and have the men deal in it, and deduct from their wages the amounts of the bills?—A. Yes and no. I do not know of any companies now that run company stores. I know of companies that give orders on stores and deduct the same from their men, and so far as my individual judgment and opinion goes I do not see anything wrong in that.

Q. Is there any compensation given the company for that deduction?—A. There certainly is.

Q. Do the company employing the men and the company supplying them with the necessaries of life, even though they are separate, work hand in hand?—A. As far as collecting the bill is concerned the company is responsible for it, and must pay it, and therefore collects it.

Q. (By Mr. C. J. HARRIS.) You see no special objection to that?—A. I do not. I think that where an employee working for an employer is fairly and justly treated as to all that is due him, it is no more than right and proper that he should give his employer the preference in his purchases of the necessaries of life, provided that he can buy there just as cheap as he can in competing stores and as cheap as others can buy for cash at these same stores.

Q. (By Mr. RATCHFORD.) Would not that also apply to other lines of business? For instance, an employer engaging in any other line of business, his workingmen, according to that process of reasoning, would be under the same obligation to deal with him.—A. The mining industry is somewhat different from a manufacturing or commercial business in a city. There are peculiar conditions surrounding it. The men are isolated from places, and in many instances would suffer if it were not for credits advanced them by the companies.

Q. (By Mr. C. J. HARRIS.) Company furnishes them powder?—A. Not in the Pittsburg district, as a rule. The powder there does not amount to a great deal, and they buy it with their supplies.

Q. (By Mr. RATCHFORD.) I have not referred to other industries, but rather to coal companies branching out into other businesses.—A. I do not believe in paternalism; but as far as doctors are concerned our experience has been this: At one of our largest mines there is an agreement between our men and the doctor for a stipulated sum per month. He furnishes all the medicines and all the medical attention needed, either in case of sickness or accident. That doctor would not do this unless we guaranteed him his pay, and in that case I think it fair; and I am free to say that in one case only, where we consider it a necessity, we do that; even collect for the doctor. It is optional. The man exercises his own free will whether he will enter into it. He is not forced into it either by the company or the doctor. After he enters into it, it is to our interest and the doctor's to see that it is paid, because when he is hurt or sick he needs attention.

Q. Is it a fact that it is the abuses that the miners have always complained against rather than the custom itself?—A. It is only the abuses that they have complained against.

Q. (By Mr. C. J. HARRIS.) Have you anything to say in regard to sliding scales of wages?—A. As far as the Pittsburg district is concerned, it is impracticable.

Q. In regard to the living wage?—A. Do you mean what a man should earn to live?

Q. Yes; what would be the lowest minimum wages at which a man could possibly work?—A. A miner should not earn less than $2 a day at present.

Q. Do they earn it?—A. The price at the present time is 66 cents a ton; the average output of a miner, according to statistics of Pennsylvania, is 2½ tons.

Q. (By Mr. RATCHFORD.) Statistics of the whole State?—A. Of our region; now, that is not $2. I am giving you my opinion, that a miner who can not mine 3 tons a day should be doing something else; he has missed his vocation. And I do not believe that one man is worth as much as another; that has been one of the faults of labor organizations—not exactly the fault of the miners' organization, because we have a piece price; if a man mines 3 tons he is paid for 3 tons. I do not believe in putting men on equality, because we have men who can mine 3 tons while we have others who, with great effort, can only mine 2 tons; we have other fellows who go in late and come out early, and that is why the average of the Pittsburg district is so low. In all fairness a man should mine 3 tons of coal a day.

Q. That is, hand mining?—A. Yes.

Q. Can you give any idea as to what is the money cost to the miner of the supplies necessary to produce a ton of coal, such as powder, squibs, repair of tools, purchase of tools, etc., which are a part of his equipment?—A. The expense of a miner, as far as my experience goes, would be in the neighborhood of from 10 to 15 cents a day. That would cover his oil and everything under average conditions. I think that will cover it. The man known as the butcher in mining parlance can smash tools without end. If we would admit a greater expense we would have to increase the earning power, because I am taking him into question when I make the average 2½ tons.

Q. (By Mr. C. J. HARRIS.) Fines and penalties.—A. As far as fines and penalties are concerned, miners are required to mine their coal in the mines and load it clean; that is, not to throw in any slate, and as far as my knowledge and experience goes the weighmaster is instructed to tell the men not to send out dirty coal. If he does he is warned. We have no system of fines and dockage. I do not believe in that, because it does not bring about the desired result; simply docks something from the miner and does not benefit the operator, and causes bad feeling.

Q. Could you get along without some system like that?—A. We must have system and rules. The mine can be run only by one man. Everybody there can not do as he pleases. Personally I do not believe in dockage. I believe a man can be reached better and fairer by warning him, and then, if he will not obey orders, laying him off.

Q. In regard to mine tenements.—A. As far as mine tenements are concerned, the miners should be furnished good houses the same as good mines. Thirty years ago, when I went into the coal business, we had no mining law. The miner went into a hole in the ground. He breathed whatever air was in there. Now we ventilate our mines. We are compelled to, and it is an advantage to the miner and the companies. They have progressed. They should be furnished good, clean, comfortable homes at a fair price. That we do, and all the larger companies in the district as far as I know.

Q. Are your mine tenements in the Pittsburg district of a permanent character?—A. They are put up, a block of 8 rooms costing, perhaps, $800, well built, and plastered, with all the modern conveniences, water, etc.

Q. (By Mr. SMYTH.) Do you compel your employees to live in these tenements?—A. Yes, where we have houses; and we are obliged to build houses in some places because there are no others.

Q. That is the fact at some of the mines?—A. Yes; in several cases. We have a case now where, in order to get men enough to run the mine, we are building 50 houses. In this case the men have to live in our houses because the men have no others; and if there were other houses, I would expect our men to give our houses the preference.

Q. It is a fact that there are towns where there are no houses, and the mining companies have to provide houses or tenements for them to live in?—A. Decidedly; I am doing that now.

Q. (By Mr. RATCHFORD.) Can you point out any illustration or single case in which an operator failed to get enough men, even though he had no houses for them to live in?—A. Yes. Our First Pool mine to-day. We are short 100 men. We had plenty of applicants for work, but had no houses to put them in. We are just building 50 new houses.

Q. Is not the capital that is invested in tenement houses, in the coal business, bringing the same returns as capital invested in other lines?—A. As far as the coal business is concerned, the investment from the houses, yes; the coal business proper has not paid.

Q. Then it was a paying investment to build tenement houses around the mines; they are not built alone for the purpose of housing the employees; they are built because there is money in it?—A. In our particular case, the first reason that we build the houses is that we must have them; and we are not doing it for charity; we are doing it to make money out of the investment besides that; but we could not run the mine without these houses.

Q. (By Mr. SMYTH.) Is it a fact that there are mines kept open because of the profit from the company store and rent of the tenement houses, where, if there were no store and no tenements, the mines would be closed down?—A. I know of no such cases.

Q. (By Mr. C. J. HARRIS.) Will you tell us the relative social conditions of mining labor, say from the time you first commenced, and compare it with what it is to-day?—A. The miner is on decidedly a higher plane to-day than 25 years ago. He then, as I stated, not only worked in a miserable hole, but lived in a miserable hovel; and you put a man in an inferior house and he is not going to be respectable. As the time went on and the people became more enlightened and respectable they required better homes. We must build better houses for them. They were not earning the wages they can now. They became educated and required more, and they have it.

Q. Are wages higher on the average now than when you first became acquainted with the business?—A. Prior to the war, in the Pittsburg district—then it was all shipped on the river—they mined coal as low as 1¼ cents a bushel. That is equal to about 40 cents a ton. Just after the war we paid 5 cents a bushel, $1.30 a ton, then down to 4 cents, then to 3½, making it a little over 78 cents a ton; and now we are paying 66 cents a ton and the men are living better.

Q. Can a miner mine as many tons to-day as he could then?—A. Our miners of to-day do not produce on an average quite as well as they did then.

Q. Do they work as many hours?—A. No.

Q. (By Mr. FARQUHAR.) What nationality predominated in your Pittsburg district in the early days?—A. German and Irish; some few English.

Q. What is the prevailing nationality to-day?—A. We have so many it is very hard to enumerate. We have a few of the Germans left, very few Irish, very few English. We have French, Belgians, Negroes, Slavs, Italians—pretty well mixed.

Q. (By Mr. CONGER.) Any American born?—A. Very few American born will mine coal.

Q. (By Mr. A. L. HARRIS.) What was your wage based on just after the war, specie payment or paper?—A. In the prevailing currency.

Q. (By Mr. C. J. HARRIS.) What has been the influence of organized labor on wages?—A. Organized labor has held wages to a better standard—better plane—than they would have been without; has helped to raise the miner to a higher plane.

Q. Has there been an increase or decrease in the number employed?—A. The number employed has of course increased in our locality, because in spite of the depressed condition of affairs there have been more mines opened and more men required. That has been cut into by the introduction of machinery displacing men.

Q. (By Mr. FARQUHAR.) What was the difference between 30 years ago and 10 years ago in the output of the Pittsburg district?—A. I will answer that by referring not to any one particular mine. Then a mine putting out from 700 to 1,000

bushels a day was doing a profitable business, but if we can not put out to-day about 12,000 bushels we might as well not run; and that has been brought about by improved conditions, better mines, and machinery. The profits on coal are so low that we must have a large production in order to exist.

Q. Have any figures been furnished by scientists or practical men as to the possible amount of output the Pittsburg district would stand without exhaustion? In other words, how many hundreds of thousands of tons is it generally supposed the Pittsburg district holds now?—A. I do not think we have advanced far enough to know that. I do not think there is any such information in existence.

Q. Have you no geological survey in Pennsylvania?—A. We have; but it has not been followed up closely. It is only lately that the mining bureau of Pennsylvania has been created. Heretofore the reports from the various districts have come to the Interior Department, and there has not been a close tally kept of them, nor has the geological-survey question been followed up closely; so I do not think the department in Harrisburg has that information.

Q. (By Mr. PHILLIPS.) Is it considered practically inexhaustible?—A. No. I would say for myself that, at the rate we are going, in 75 years from now there will be very little coal left in the Pittsburg district of the Pittsburg vein.

Q. Do you mean it will take up to Freeport, up to Butler and Washington counties?—A. I consider the Pittsburg district proper running from north to south 55 miles, from east to west about 50 miles, and I think 75 years, at the rate we have been going during the last ten, will exhaust that coal.

Q. That would not exhaust Butler or Washington counties?—A. No. The formation in Butler is lower coal. The Pittsburg coal runs only from the West Virginia line on the south, from the Ohio River on the southwest, and then it is cut out on the north by the Allegheny River from erosion. On the north side the coal has been cut out. It does not reach Freeport. In Freeport we have that vein 600 feet below. It does not reach within some distance of Connellsville.

Q. You would consider the outlying counties more inexhaustible than even the Pittsburg field which you have described, would you not?—A. Yes; taking all the different conditions we have.

Q. (By Mr. C. J. HARRIS.) What have you to say of employment of children in your district?—A. We do not employ children. Under the mining law we are not permitted to let anyone under 12 years in the mine, even in charge of his father. We are not permitted to employ anyone under 16 years. We are not permitted, of course, to employ any female; and I do not believe in boys 12 years of age going into the mines.

Q. What are the causes of irregularity of employment in your business and district?—A. Overproduction.

Q. What is the average number of days help is employed there?—A. Two hundred and fifty days a year is a fair average.

Q. What are the hours of labor per day in your district?—A. The hours of labor per day to the miner in the Pittsburg district, under the agreement with the United Mine Workers, are 8 per day; that is to the miner only.

Q. How does that affect the operators, favorably or otherwise?—A. As far as the operator is concerned it was a mistake. It was an agreement entered into in Chicago. It was taken advantage of on the spur of the moment. The change was entirely too radical. It simply means to the operator that under the late improved conditions in the use of machinery his plant can be operated only 8 hours out of the 24, where it should run the 24. It is a loss, to begin with. We had 10 hours before. It is the loss of operating the tipple. What I mean by the tipple, is where the coal is loaded on the outside. That tipple should run 10 hours a day in order to give the operators a fair use of their machinery. The miner has not gained anything by this 8-hour day, in my opinion. The miner is a sort of a free lance; he goes to work when he pleases and he comes out when he pleases. We are not able to control him, and, as far as my experience goes, he works no less hours now than he did before. I hold that he never worked much more than 8 hours before, for the reason that he went and came as he pleased. I do not think it has bettered his condition so much more, and it remains to be seen what his average earnings will be after we get the reports of last year. This has only been in existence since April, 1897.

Q. Would that contract prevent you from running different shifts?—A. No; we are permitted to run different shifts, but it is impracticable in a mine; that is, generally speaking. You can in some particular work—for instance, entry driving—where a few men succeed but a few men, but where we have 200 or 300 men employed we can not have a day shift and night shift. We can not do it in the mine nor at the tipple. We can not operate the tipple at night as we can in the day. It has been tried and found a sad failure. As a compromise (and I do not

believe in working anybody to death), I think a miner can and should work 9 hours a day. That would then give us a chance to run our works 10 hours, and the nature of the work there is not such as would wear a man out or work him too hard.

Q. (By Mr. PHILLIPS.) That would bar him from sunlight almost wholly, would it not, especially in the winter time?—A. That would depend upon what hours he went to work.

Q. And what of the sanitary conditions of the mine—smoke, etc.?—A. The sanitary conditions of the mines are so highly improved under our Pennsylvania mining law that the air furnished the miner must be of a certain quality and kind in the mine, regulated by men under the supervision of the mining inspector appointed by the State.

Q. (By Mr. C. J. HARRIS.) Would you say that miners were more unhealthy than other classes of people—those working in the mines?—A. In my experience, no.

Q. What have you to say in regard to the use of screens?—A. As to the laws on screens, I do not think that any State should undertake to legislate as to what screens should be used at any mine in the State. The conditions of the market control that. I will give you an example. In 1874 the legislature of Pennsylvania passed a law that coal should be screened over a three-quarter-inch screen. Our market had been furnished with an inch and a half screened coal prior to that. There was a heavy penalty. We put in three-quarter-inch screens and ran our coal that way until we gradually lost our markets; then simply violated the law by taking out our screens and putting back the inch and a half. In 1897 there was a law passed making it obligatory to weigh the coal before screening. The objection we have to that is that the miner in mining run of mine coal is not as careful in producing it as he is when he knows his coal is going to be screened. There is no incentive to do good work. He simply has to knock it down, because he gets as much for slack as lump. We want the lowest per cent of slack and offal. This law, by the way, was knocked out on the question of constitutionality by the Allegheny County court, sustained by the supreme court of Pennsylvania. It was unconstitutional because it took away from the parties the mutual right of contract; it made it obligatory to do it in that way only.

Q. Would you use a law abolishing the use of screens and making payments on run of mine entirely?—A. For the reasons just expressed, no. It would simply be the ruination of our business. I am speaking from experience. Before we appealed on that law—we had to, or the miners would not have worked—we took out the screens and ran run of mine coal, where we get under ordinary conditions 64 per cent of lump coal from the miners' product, and we ran down to as low as 55 and less per cent. This would simply result in winding up our business.

Q. We then come to cooperation, premium payments, profit sharing, industrial copartnership.—A. That has been tried in our region and has always resulted in failure.

Q. What are the effects of immigration on your industry in your district?—A. It has had no particular effect.

Q. Has it overcrowded the labor market to any marked extent?—A. No; only during the depression of business. When there was not the necessary demand for coal and the production was too great, of course there were too many mines and too many men.

Q. Could you suggest any regulation for immigration?—A. No; I go on the broad ground that, as in the past, when our forefathers—Irish, German, and others—came in here to a country that was set apart for the oppressed of all nations; it is open and should be open to all respectable people from foreign countries. I do not believe in bringing them in here under contract. They should come of their own free will to better their condition.

Q. What has been your experience with colored labor in the district?—A. As a rule, colored miners are not as good as white. The colored miner likes to play; he will not work on Saturday afternoon; he would rather dance than work. We have some who are very good fellows.

Q. Will he, in the same length of time, do as much work as the average white miner?—A. As a rule, no. We have exceptional cases of colored men where they are better than some whites. That is the exception.

Q. (By Mr. PHILLIPS.) In regard to non-English speaking labor, what effect has that?—A. I do not know of any. I do not see why they should not come in here, speaking their own language, learning ours as rapidly as they can. They soon find it is to their advantage to learn the language, and they soon do, as far as the mines are concerned.

Q. (By Mr. C. J. HARRIS.) Are they a more dangerous, difficult class to deal

with?—A. The raw element has shown itself a little in that way. They do not seem to quite understand or appreciate the conditions and liberties of this country, and I think until they do they will perhaps be a little harder to handle. We have had no experience in that way. I simply speak from what I have heard in different localities. We have a great many in the Pittsburg field, our neighborhood.

Q. (By Mr. PHILLIPS.) And in the coke fields?—A. That is out of the Pittsburg field. They have imported them, and I think have had trouble with them.

Q. (By Mr. FARQUHAR.) In case of a sufficiency of labor in your district, do you think it would be advisable to restrict immigration of those people?—A. No; I think this country is broad enough and long enough to hold a great many more. They ought to be made to move on. It is a pity they all settle in cities.

Q. If they were made to move on—go farther West—it would be at the expense, would it not, of the Government and States?—A. They should go at their own expense.

Q. Why should that class of immigrants be an expense to the Government when they are subjects of foreign governments?—A. They should not be, and they should not be foreign subjects. They should come here with the intention of remaining here and help make the American nation. I will say this for people of that class we have had for years, that the offspring, newer generations, grow up, as far as my experience goes, to become good American citizens. They will get out of the low, slovenly, filthy habits that their parents may have had.

Q. Was it your experience that before the alien contract labor law this country was flooded for years with hundreds of thousands of the most undesirable people of the whole world?—A. I think we had, at times.

Q. Under the old open-door system of inviting immigration, taking all that came?—A. Yes.

Q. You think that was detrimental to American civilization and workingmen?—A. It was, because that was brought about by importing them wholesale. I think if they had been let alone and come here of their own volition it would not have been so.

Q. You think the restrictions in respect to paupers, criminals, and everything of that kind would be sufficient; hard workers should be admitted?—A. I would not admit paupers, or idiots, or deformed people under any consideration; but I do not think we should close the door against people who have something to come on. I do not believe in importing them for any purposes, as has been done.

Q. (By Mr. C. J. HARRIS.) Have you anything to say on convict labor?—A. We have had no experience in convict labor, and from what I know, from information received, I would not be in favor of employing convicts in our mines.

Q. What do you say of the earnings of capital invested in your district now, as compared with when you first engaged in business, 30 years ago, say?—A. Then the trade was in its infancy and was not overdone. There was a chance of making something on your capital. I will say, without being specific, that in the coal business then, in the manner in which it was run, that 20 per cent on the investment was a fair average. Now it is anywhere from 15 down to nothing, and perhaps in some cases a loss beyond that of several per cent. I speak only of the Pittsburg district, and you must remember the peculiar conditions that I have continually mentioned, overproduction and other things.

Q. Is not 15 per cent now as good as 20 per cent was in 1867, before the establishment of specie payment?—A. It would be; but I said 15 per cent down to nothing and worse. I venture to say that if the books of the Pittsburg coal district were inspected for the year 1897 there would be shown a loss.

Q. (By Mr. FARQUHAR.) How do you account for that?—A. Overproduction, undue advantages some had in the same district and other districts. We were hurt largely by West Virginia, and within ourselves. It was outward competition and the competition against one another. Just consider the statement made before this investigation committee that was appointed by the legislature of Pennsylvania, that a concern with a capital of $1,000,000, running 1,000,000 to 1,200,000 tons of coal, made $8,000 in one year, which is next to nothing. This is a fair sample of what the business has been, and shows a deplorable condition.

Q. As a general thing in your district are operators the owners of the land itself?—A. They are in most cases, and that is one of the disadvantages we labor under. If they could take coal on a royalty and pay for it as they mined it, it would be better. For instance, we have had to protect our coal mines, have been obliged to buy two or more thousand acres of coal land at an enormous outlay that we will not reach in 20 years. We are driven to that for fear someone may come in and buy that and cut us off and make our plant worthless. If we could mine coal on a royalty, as they do in England, and pay for it as we take it out, we could make money.

Q. So that the general view taken by the coal operators is that simply it is not the mine and all the attachments of the mine itself that is the cost of the investment, but there is added to that the purchase of adjoining land and the protection of the property?—A. Certainly; it is a legitimate part of it.

Q. (By C. J. HARRIS.) Is there any restrictive or industrial legislation which affects you injuriously?—A. I know of none now since the abolition of this law. There is none in existence now that I know of.

Q. (By Mr. FARQUHAR.) Is there any way to obviate this friction in respect to the screens?—A. There is no way that I know of, and I do not think there should be a way. Speaking of the Pittsburg district, I think we should be permitted to make the price for certain grade of coal with our men, pay them that and then screen it to that without the State or any other parties interfering. Any interference there would cause disaster to the operator, and it would follow and reach the miner. I think the miner is just a little too sensitive on the screen question, admitting, of course, that he is being taken advantage of in certain individual cases; no more, however, than employees are taken advantage of in any other industry or manufacture or commercial business. In the central part of Pennsylvania they have a coal that is softer than ours. It is all run as run-of-mine, because they need not get lumps, and it comes into the market and is readily taken in that way; but our coal is not taken that way, and there can be no successful interference with those screens.

Q. (By Mr. RATCHFORD.) Do you believe that the miner should be paid directly for all products of his labor having a commercial value?—A. I believe, I know, that we are paying the miner for all parts of his labor. The fact that we pay him 42½ cents only for run-of-mine and pay him 66 cents for the screened coal demonstrates by calculation, experience, and investigation that he is being paid in a proper ratio for all coal.

Q. Is it a fact that where the screens have been abolished by mutual consent he has waived enough of his price to equal the amount of screenings passing through the screens and given that back to the operator?—A. I do not know of any such cases in our district as you speak of; I have no experience in that way.

Q. Do you know of it in Illinois?—A. The conditions there are different. The Illinois coal is perhaps of the same grade of coal, as far as I know, as the Eastern coal that I speak of, and the natural conditions and the artificial conditions are such that that coal can be marketed in that condition. I think that is the situation in Illinois.

Q. Is it a fact that the right to screen the miners' coal is a right gained by strikes?—A. So they tell me; that goes beyond my experience. When I entered the coal business we were screening without any more question about it than now; not so much. I am told that in the early days of the Pittsburg district each mine took it as it came from the miner, and I am very sorry that it did not continue, because in my experience I remember that we brought it from the mine and dumped it in the yard as we took it from the mine. Competition coming in, an idiot (excuse me if I call him an idiot) introduced a fork with a 2-inch prong and forked all this coal, throwing out all the slack, and the result was that we all had to enter into that; and I imagine the screens that were introduced were simply to enable somebody to get somebody else's trade. That is all of 50 or more years standing. People are accustomed to that coal in the Pittsburg district and no other will go. I have cited two cases in which the law tried to regulate them.

Q. In the past 2 years have there been some cases in the Pittsburg district where screens have been introduced as the result of strikes, in which the prices paid for screenings or coal over such screens were determined by the employers, as well as the system of screening itself?—A. There may have been such cases; unless you call my attention to them particularly, I do not know of them.

Q. Do the operators pay for the refuse that passes through their screens, and is the fact that the miners to-day are willing to relinquish a portion of their price to go back to the run-of-mine system a proof that they have received the excess portion when the screen was planed out?—A. They want to come back now because in mining run-of-mine coal they take no care; they chop it down; it requires no skill; anybody can do it, and they get just as much for the dirt as they do for the coal. In mining coal that has to be passed over a screen they have to exercise a certain amount or degree of skill in order that their coal may not be broken up so that it may come through the screen. We want that kind of coal. Our experience has been, notably under the law of 1897, where we were forced into it for 3 months, that on coal mined on the system of run-of-mine we lost all the way from 5 to 10 per cent in the quality of the coal; that is, where we were entitled to 64 per cent of coal we ran down to 55.

Q. Do you agree that the contention of the miners has been that the screen that

is now in use has a tendency to, and does in fact, place a premium upon a poor standard of workmanship?—A. Yes.

Q. Will you explain why the miners so contend?—A. I claim that that does not work out. The man who is a skilled and careful miner will mine his coal and he will produce in that a large per cent of lump, and he will get paid for it. If he is not careful, he will produce less and make less money. Is not the incentive to earn good wages there? Is it not just as easy for a skilled miner or any miner to mine good coal as bad coal, always exercising the proper care? We ask that simply to guard us against the carelessness and cussedness of some people. They are not all of them that way, but some of our employees are.

Q. Take two miners, one who is more careful and practical than the other. The first will make a less percentage of slack and nut coal in the production of a ton of coal; the latter will make a greater percentage. Which of those men to-day, under the screen system, is more profitable to the operator?—A. We want the man that produces good coal. That is why we stick to the screen system.

Q. Can you explain why, in view of the fact that the screenings in a ton of coal passing through your screen is given to the operator without pay—— A. (Interrupting.) I do not admit that; it is not. We find that on an average a ton of run-of-mine coal will make 64 per cent of lump and the remainder nut and slack. We pay for that 64 per cent 66 cents per ton. Based upon that same percentage we find, when he has run-of-mine, that he is entitled to 42¾ cents for the nut, slack, and lump.

Q. Is it a fact that the coal operators of the States generally are all causing their miners to send out all of their fine coal more generally than ever before?—A. Speaking for ourselves, and speaking for the entire industry of the United States, I can say that we are bringing out about all the coal that can be mined, from the limestone up to the slate.

Q. The fine coal?—A. Everything as it is there. In the early days, when coal was mined by the pick exclusively, the miner bored in about 24 or 28 inches above the limestone, and he left 10 to 12 inches that we then considered not merchantable coal. By the introduction of machinery we mine in on the limestone and we cut up that lower bottom into slack; that is, what we formerly wasted. Instead of waste we now mine all of that coal; and therefore, by the introduction of machinery, we claim to-day that we get out 95 per cent of all the coal underlying the land, where in the earlier days of the Pittsburg industry they did not get out above 60 per cent, and we make it obligatory to bring out everything in there, because it is of value aside from the commercial value in the market. I consider it a crime against the present generation and those who will follow us to waste that, because it is a loss even if we ourselves do not feel it.

Q. The point is, that under the former system, when there was no screen used, or, if any, a very small one to let slack out, that the employer in those days did not want slack sent out; did not want the fine material sent out among the coal; but under our screening system they want it all, every pound of coal as fine as it may be.—A. Under improved methods and in the use of improved machinery and boilers practically in all factories employed in the manufacture of iron, steel, glass, etc., people are able to use a grade of coal that 15 years ago they would not use. We wasted all this slack, and it was an expense to us to bring it out. It cost us so much for every ton we brought out to throw it away; but under these improved methods of modern machinery there is a market for it. They want it. We pay for it and we sell it.

Q. (By Mr. SMYTH.) You pay for it on the basis of 42¾ cents?—A. Forty-two and two-thirds to 66, the difference would be 23¼.

Q. (By Mr. FARQUHAR.) The invention of the forced draft has a great deal to do with it?—A. That has much to do with it; and automatic stokers require that grade of coal.

Q. (By Mr. RATCHFORD.) What have you to say about the question of discriminations in freight rates?—A. That is more or less general, and that is something that I am not able to give testimony on as to what I know. I can only tell you what I think. I have never in my experience been able to run across anybody that knew anything on it. Wherever it is done it is done in such a peculiar manner that while we know it we do not know how it is done. We are certainly discriminated against, we think, in our own locality, and principally from West Virginia—hauling coal quite a distance greater than ours; for the distance certainly is in excess of ours in our trade for the Lakes; and they have no back load, while we do, in the Pittsburg district, furnish them a back load in the way of limestone, ores, etc. In Ohio, in the Hocking district, or from the Ohio fields, they haul coal into the competitive market of the Northwest, a greater distance than from Pittsburg, for less money and with no back load; and we in the Pitts-

burg district invariably have a back load. That back load will also apply to operations in parts of eastern Ohio as well as the Pittsburg district. But in the Pittsburg district it is altogether so. In the Hocking Valley that is not the case.

Q. You regard discrimination as injurious to the trade wherever it is practiced?—A. Decidedly so. There ought to be an open rate and give every man an open and fair chance.

Q. Do you believe that the rate of freight should be fixed by the State or by the companies themselves?—A. I do not believe in the State assuming too much. A time may come hereafter when the State can do that. Under present conditions I think the railroads had better make those rates. They should, however, in a manner be controlled.

Q. (By Mr. C. J. HARRIS.) Do you use machinery, or mine by picks?—A. We use machinery almost exclusively. We were among the earliest users; have been using machines for the last 15 years.

Q. Give your reason for preferring them.—A. Machines were originally introduced into our mines for the reason that they would be more profitable, and they were. There was a time in the early days when there was an advantage to the operator that used machines of perhaps 15 cents a ton, even after counting out interest on his investment, depreciation, etc., but that has got down now to about 8 cents a ton. That is, the operator can produce coal at a cost of 8 cents per ton less with the machines than he can by pick, but it has long since been discounted by reason of overproduction and crowding one another. That has been given away to the consumer, the man that does not want it. It has been forced upon him. I think one of the greatest crimes perpetrated in this country is right in our Pittsburg district, where we are wasting one of the finest veins of coal on earth. We are forcing it upon people for nothing.

Q. (By Mr. RATCHFORD.) Have you anything to say of the displacement of labor by machinery?—A. The mining machine we use can be run with a cutter and an assistant, called a scraper, and 4 loaders. The machine does in mining only the undercutting, what the miner calls the bearing-in, the full width of the room and perhaps to a depth of 5 feet. That was heretofore done by the miner with his pick. That we consider, in general terms, half the work. The scraper assists him in removing the slack the machine makes, the loaders come after and shoot down the coal and load it. So that 6 men do the work of 10 under the old system. That is about a fair average.

Q. (By Mr. C. J. HARRIS.) Is there no way to remedy this displacement of labor by the use of the machines?—A. There has not been so much trouble in that way, the industry has grown so. We have in the last 10 years built up a trade in the Northwest that last year took 4,000,000 tons, that I remember 12 years ago amounted to perhaps from 5 to 10 cars a day from one mine. Now all the mines in the district are employed in that during seasons of lake navigation, caused by the building up of the Northwest, creating markets for our coal.

Q. (By Mr. RATCHFORD.) Has not the injury been felt in the way of a less number of days per year?—A. I do not think that should be laid to machinery.

Q. Has machinery been a factor in bringing it about?—A. No, not exactly. The people have labored under a delusion that there was a great deal of money in the coal business; that while in England to-day it takes an enormous amount of capital to go into the coal business because you have to dig a shaft there, anybody can go into the coal business in the Pittsburg district because you have only to dig a hole in the ground and you can make the approaches and bring up the coal; and it has brought about too many mines. It has led miners from other localities into that district that should not have gone there. Less mines could have produced coal with less men. When there was not anything to do in other lines of industry, men have flocked in there who should have been at something else. I do not think that machinery has cut much of a figure in taking work from the men. You will bear in mind that with the introduction of machinery we created new places, engineers, firemen, etc. It is surprising. You would think that a machine mine had no men about it at all, and yet you go to a machine mine and you will find very little difference between that and the pick mine. We produce more coal.

Q. What proportion of the tonnage at Pittsburg is mined by machinery?—A. I do not know exactly, but there are very few pick mines left in the Pittsburg district.

Q. Are you of the opinion that if those machines ceased to operate that the miners in that district could have work a greater number of days than they are working at present?—A. No; I do not exactly see how they could.

Q. You have stated that 6 men with a machine will do the work of 10 formerly?—A. If you will apply that to the entire country. If you apply it to the Pittsburg district, it don't go.

Q. I assume that what is true of the Pittsburg district is true of all.—A. You apply that to the whole country. Of course we have displaced very many men.

Q. To what extent have substitutes for fuel displaced coal-mine labor—electricity, gas, and other substitutes?—A. At one time gas took from us, I may say, the entire consumption of coal of the Pittsburg district, but that has changed. Gas has become a luxury. It is only used by people who can afford to use it. Coal is again used and labor is not interfered with.

Q. Have you anything to say as to the extension of foreign markets?—A. I think we will be driven into foreign markets with our coal as we have been driven into foreign markets with our products of iron and steel and glass. And there is no reason in the world why the Pittsburg coal could not go to New Orleans and from there be distributed along the coast—places within easy reach—to Mexican and South American points.

Q. (By Mr. FARQUHAR.) What nation at the present time furnishes coal for the east coast of South America?—A. England.

Q. All Welsh coal?—A. I think so.

Q. Did they not have that market exclusively up to 10 years ago?—A. They almost have it now. I think the fact of our Government exporting coal for our own use will help to introduce our coal. I claim we have as good coal as they have. We simply want somebody to push it, and we will get foreign markets, as far as coal is concerned, before long.

Q. Do you know of any shipments going to South and Central America now?—A. I do not, but there may be coal from Alabama or the Pocahontas district, but I do not know.

Q. (By Mr. RATCHFORD.) What have you to say of remedial legislation?—A. With reference to employers' liability, the day may come when the employer or somebody will be taxed, or have to pay taxes for the benefit of the employee. I do not think we are quite ready for that yet, and I think the State of Pennsylvania is making a great mistake in trying to pass a bill at present making employers of labor liable. As far as the coal industry is concerned, under our mining law, governing the entire bituminous region of Pennsylvania, we are under the supervision of the State. We have mine inspectors there who are controlled by the chief of the bureau of mines in Harrisburg. We have mine foremen who are officers of the State, but are under the immediate supervision of the inspector and are held accountable for the lives and safety of the miners. We have under them special bosses, known as fire bosses, who look after the welfare of the men in particular, such as examining the mine for gases, bad roofs, etc. So that where we do not employ the particular persons duly certified by the State, and where they do not exercise proper care, we, as coal operators, are liable; and I think for the time being that is about as much as we can afford. On the other hand, I think that the time is near at hand when there should be more provision made for the laboring classes in some way. I am not clear in my own mind how that should be. They are provided for in Germany. We have associations in a local way; we do that. We have benefit associations at our mines to which the company pays some attention, made up by contributions from the miners, that take care of them. There ought to be something more than that, but I have no suggestions to make as to what it should be.

Q. (By Mr. SMYTH.) Are you aware of the effect of the employers' liability act in England on the trade?—A. Not enough to talk of it intelligently.

Q. Have they such an act that affects the coal miner?—A. I think the miners are cared for and protected in some way there.

The sanitary and personal-safety laws are covered by our mine-inspection laws.

Check weighmen laws: There ought to be on each tipple, or where the coal is loaded, a check weighman to look after the miners' interests. I believe, with few exceptions, in the Pittsburg district we have them. They should be under a little closer supervision, so as to make them more careful and rigid in the exercise of their duties. I do not at all believe that the State has the right to place them there—neither the State nor the miners. I do not think the miners have that desire; they have not shown it; that is, should have the right to place anyone there who would interfere with the successful running of the mine. The operator would not permit it and has not been asked.

Q. Have you anything to say on the uniformity of mining legislation in the several States and Territories?—A. I think there should be uniformity as nearly as can be. I do not think we can have perfect uniformity between the competitive States, but they should be uniform, as near as can be, in their mining laws, which I think for the time being is enough.

Q. (By Mr. FARQUHAR.) In your conferences of operators has this matter of uniform legislation in the States ever been considered independent of production

and wages, etc.?—A. Not in our interstate conferences. It is merely upon mutual agreement that conditions have been taken in various States and so modified that one would suit the other.

Q. Do you think it would meet their approbation if this commission were to make recommendations for the uniformity of the mining laws?—A. That is rather a broad question. I think yes.

Q. If, after all our findings and going over the whole ground, we find some matter that would be thoroughly a relief—beneficial, in fact, to both the operators and the miners—do you believe that the cooperation of the operative miners of this country could be sought or gained by this commission in going before local legislatures?—A. I do, for general legislation—that is, for United States legislation, governing all the States. I think that this commission is a proper thing; is a great thing; is on a good and proper road; will bring out a great deal of information, and will be able to make some suggestions that I think all well-thinking operators and miners will readily fall in with—that is, such suggestions as can be made by them. They can only be made on a broad, fair basis, and I do not see why they should not receive proper consideration.

Q. (By Mr. PHILLIPS.) Have you in mind any remedial legislation that would be fair both to the employer and employee that does not now exist?—A. I have not, because I am not thoroughly enough acquainted with the evils existing in different States that could be reached by legislation.

Q. (By Mr. FARQUHAR.) Do you think, taking a broad view of the question, that you also serve your own interests by what you do for the improvement of the conditions of the workingmen under you, and that there would be a benefit to you, as well as them, to have such legislation?—A. I believe it would be.

Q. Is there not enough fairness in the operators of this country to receive and consider suggestions that might be agitated for remedial legislation, or are you in a competitive mood there?—A. More or less so; but we are getting nearer together—are nearer together—than we were a few years ago, and I think that is the tendency of the times. As we become acquainted with one another, as we find the ills that others have, find that we have not the only difficulties, we feel like sort of mollifying one another and evening up, and in that spirit good results can be reached.

Q. (By Mr. RATCHFORD.) In your judgment, are the best interests of the mining trade served—when I say the trade, I mean those engaged in the trade from every standpoint—by making the conditions as nearly uniform as possible and placing all competitors, so far as possible, upon a relative competitive basis?—A. Laying aside all selfish views, and on the broad ground of fairness, yes.

STATE OF PENNSYLVANIA, *County of Allegheny:*

I swear that the statements made by me of my own knowledge in the foregoing report of my testimony before the Industrial Commission are true, and that all other statements I believe to be true.

GEO. W. SCHLUEDERBERG.

Sworn and subscribed before me this 29th day of June, 1899.

[SEAL.]

R. A. GEORGE,
Notary Public.

WASHINGTON, D. C., *April 13, 1899.*

TESTIMONY OF W. C. PEARCE,

Secretary and Treasurer, United Mine Workers of America.

The commission met at 10.30 a. m., Vice-chairman Phillips presiding. Mr. W. C. Pearce, of Indianapolis, Ind., testified. The topical plan of inquiry on mining was followed.

Q. (By Mr. C. J. HARRIS.) What is your official position?—A. Secretary and treasurer of the United Mine Workers of America.

Q. From what mining State were you originally?—A. Ohio.

Q. How long have you been connected with the coal-mining industry?—A. As a miner, all my life; since I was a boy; brought up in mining.

Q. What are the objects of your association?—A. To secure better wages for employment, shorten the hours of labor, and make the conditions of employment more agreeable. I think those are the objects of our trade union.

Q. Are there any benefit features connected with your organization?—A. No. We have a fund, of course, which we try to keep for running expenses. We have no benefit funds of a national character. Locally some of our members have a fund, an accident fund, or funeral benefit fund. It is only local; not of a general character. Our money for running the organization is derived from our members—10 cents per member per month. We use that money principally for paying organizers, officers' expenses, and trying to adjust difficulties and troubles here and there.

Q. What have you to say in regard to the increase of trade unionism in this country?—A. The first organization of miners that I have any recollection of was the Knights of Labor, years ago. In 1881, I think, there was formed in Ohio a progressive union. It was thought by some of the miners that while the Knights of Labor was a purely labor organization, that a trade union would be better for miners than to be affiliated with other trades; and we favored a purely miners' organization in 1881 in Ohio. That spread. For a few years we had a membership in Ohio of probably five or six thousand. In 1890 there was formed the United Mine Workers of America, a national organization of mine workers alone. Since that time the membership has varied, sometimes we had more members; sometimes less; it would run anywhere from seven, probably, to twenty-two or twenty-three thousand. Up until 1897 that was the membership that we had, and after the 1897 strike we gained a little advance in wages, consequently, our membership increased and is increasing yet. We have now nearly 60,000 members enrolled in our organization. The growth, of course, is phenomenal in that respect, and if the organization is managed in a conservative way by the officers in power, we believe we will soon have quite a trade union of miners in this country.

Q. (By Mr. RATCHFORD.) Is the increase in the membership of the organization due to an improvement in industrial conditions, or is it due to the methods of organization?—A. I should say that, in my judgment, it is due to the success, principally, of the 1897 strike. I think during the last two years fully 20 per cent advance in wages has been gained. That, of course, has stimulated the miners to affiliate themselves with our trade union. I would like to say in regard to the statement about the 60,000 members enrolled in our trade union (men in our organization proper), that while we have that many enrolled, it is safe to say that we have probably 15,000 or 20,000 more members. I only state from the books. Sometimes if there are 200 men working at the mine they probably send tax for 150 or 175 members. The others are not reported. It is safe to say that while we have that many enrolled we have 15,000 or 20,000 men who are not paying per capita tax. When the mine is idle, when men are on strike, or when the mine is shut down, we do not expect them to pay a per capita tax.

Q. (By Mr. PHILLIPS.) Was there any understanding, compact, or agreement between your organization and the persons engaged in the coal industry, capitalists and corporations, in regard to that strike?—A. No; there was no understanding between the organization and capitalists or operators that I know of.

Q. (By Mr. RATCHFORD.) Did capitalists or employers receive any notice of that strike in advance?—A. No. I remember the time of the 1897 strike as well as yesterday. They always tried to find these things out previously, but the circular ordering the strike was published and in the hands of our local secretaries before the newspapers got it at Columbus, Ohio, where the headquarters were at that time.

Q. What was, as nearly as you can state, the membership in good standing in your organization when that strike order went out?—A. Ten thousand six hundred and seventy-eight members.

Q. And what was the total number that responded to the strike order?—A. The total number, I think, was nearly 150,000.

Q. The great bulk of the men who took part in that strike had nothing to do with bringing about the strike order, did they or not?—A. The great bulk of the men who took part in our strike had nothing to do with bringing it about; for instance, in 1897 we had nearly 26,000 miners and mine workers in the State of Ohio; we had only 7,697 men organized. Pennsylvania, with 250,675 miners, had only 1,918 organized men on our books. Indiana, with 9,000 miners and mine workers, had only 626 men organized.

Q. That is how many?—A. Eight or nine thousand men. Illinois was a great drawback to the organization. Statistics will show 38,000 or 39,000 mine workers in Illinois when we ordered that strike, and at that time we only had 226 members. In Iowa we had only 79 members; West Virginia, 75 members. This proved conclusively that the majority of the miners who came out in that strike had nothing to do with bringing the strike about.

Q. (By Representative GARDNER.) I understood the witness to say that they

have 65,000 miners, more or less, enrolled, and some 20,000 more that they control. Is that control entirely voluntary; that is to say, men are in the organization or out of it, and there is no intermediate stage in which persons not members are still under obligations to this order?—A. No; they are either in or out.

Q. (By Mr. RATCHFORD.) Is there any course or method used in the control of them, or is their action in the respect which you have pointed out purely voluntary; is it the influence of the action of the organized miners of the country that extends into the unorganized fields, upon which unorganized men go of their own volition?—A. Yes; I can state that, to my knowledge, in 10 years' experience as an official there has never been any method used to bring men on a strike through coercion or force; never.

Q. (By Mr. C. J. HARRIS.) Is your union incorporated?—A. No.

Q. Have you anything to say in regard to incorporation of trade unions—whether advisable or not?—A. No. I have no particular objection to the incorporation, and I have given the question much study.

Q. What have you to say of your relations with nonunion labor and the right of the individual to liberty of contract?—A. Our relation to nonunion labor, as far as miners are concerned, is first conciliatory; we try to reason with them; we send organizers of our men to talk with them—missionaries, if you please. We try to show them that it is necessary for them to be affiliated with other trade unions, from our standpoint at least, and we persuade them along these lines. And, of course, if they do not affiliate with our organization, as I said a few moments ago, we use no force, but we simply do not pay as much attention to them in regard to their prices or wages or conditions of employment as we would do were they members of our organization.

Q. Do you, in some cases, refuse to work with nonunion laborers? Has that been done in some isolated cases?—A. Yes. Some of our members refused to work with a man or men who refused to become members of our organization.

Q. (By Mr. FARQUHAR.) Does your organization invite all unemployed and nonunion labor—that is, competitive labor—men of good moral character, to join your ranks?—A. Yes. Our doors are always open and no questions asked.

Q. It is the purpose of your field organizers to bring as many as possible into the organization and under the regulations of the union?—A. Yes.

Q. (By Mr. RATCHFORD.) Is the refusal to work with nonunion labor a common practice of your union or not?—A. No; it is not a common practice.

Q. The local union sometimes usurps that right?—A. Yes.

Q. (By Mr. FARQUHAR.) When a man has once taken the pledge before the union and has broken his honor, do you positively refuse to work with him?—A. No; if he breaks his pledge, and wishes to come back, he is accepted and added as a member again.

Q. (By Mr. C. J. HARRIS.) Can you enumerate the causes that generally lead to strikes?—A. There are different causes, of course. The principal causes which lead to strikes, of a national character at least, are either to prevent a reduction of wages or demands for an increased wage. The wage question is a factor which causes nearly all of our national strikes—demands for increased wages or resistance to reductions; and sometimes strikes of a lesser magnitude are caused by dissatisfaction with conditions of employment. Conditions of employment around the mines is an important factor for a miner; for instance, in the bowels of the earth, in order to sustain life, enable him to perform his duties, he must have air; he can not work with any degree of satisfaction in a place where there is water that would interfere. Sometimes sufficient supply of timber or material for safety is lacking, and sometimes these things cause dissatisfaction, and men strike sometimes because the conditions of employment are not as they should be or as they think they should be. I am pleased, however, to say to the commission that as far as air, and the timber, and that sort of thing are concerned, we have not had so much trouble within recent years as we had formerly, as some of the mining States have laws which say so and so shall be done, and inspectors come around and see that it is right. Strikes from these causes very seldom occur now.

Q. Do strikes arise sometimes from an overproduction of coal, the market being glutted and prices going down, so they can not pay the miner his wages, and then the strike is called, so that this overproduction may be made an argument in that way?—A. I do not think there has been a strike directly caused by the markets being glutted, or, in other words, an overproduction of coal, alone.

Q. (By Mr. RATCHFORD.) While that may not be the true cause, is it not the underlying cause of some strikes and troubles in the mining industry?—A. Yes. My answer a few minutes ago was, directly; indirectly it does. There are times in this country when the market has an abundance of coal. For a time at least

there is very little demand for coal, and in order to keep the mines in operation our employers sometimes say, "We have not any particular sale; we have all the coal we want; but if you men will work I can give you work at 5 or 10 cents a ton less than the scale rate; if you will accept that, it is all right." And sometimes strikes are caused by the operators trying to reduce wages in that way, from the fact that they have an overproduction in the market.

Q. What have the screens and docking system to do with strikes?—A. I might have mentioned that among some of the local conditions that caused strikes. The screens cause a great deal of trouble. Our coal is mined by us as miners and we are paid for the coal that goes over a screen. The screen is generally 72 superficial feet, 12 by 6, with 1¼-inch space between the bars. What goes through that 1¼-inch space the miner gets nothing for, but what goes over the screen they get paid for. Sometimes these bars will be disarranged; there will something happen that will weaken, as it were, the bearings, and the bars will open, spread, and instead of the space being 1¼ inches, it is sometimes 2 inches and over, and of course the wider the screens the more goes through and the less for the miner. Sometimes they have a good deal of trouble with the companies, or with their agents at least, in getting these screens put in order, and oftentimes the miners in different localities strike; that is, these men will remain idle until that work is adjusted. They often have to stop work before the companies will put them in shape. Now, with reference to docking particularly, docking is a great deal of trouble where the coal is more inferior in quality. Even when the miners do their very best, in some cases they have been docked five or ten hundred pounds, and sometimes a ton. That, of course, is unbearable.

Q. (By Representative GARDNER.) What do you mean—the impurities?—A. Yes; sulphur. There is a vein of coal in Ohio 8 feet high, and in that 8 feet there are 3 feet and 10 inches of impurities. There are 2 feet of good coal, and above that there are two slates. Of course that coal is not marketable. It is what we call bone coal—a coarse, rough, hard substance. It is mixed all through the coal. The miner picks up all the best, and often after he has all the impurities out a little will get in the shovel and they are docked as high—sometimes the whole car is taken. This extreme docking is done more when work is slack—when the company has not so many orders.

Q. I understood you to say the bars were 1¼ inch. Would not that admit of the dropping through of a great deal of coal sold on the market as pea coal?—A. Yes; and the softer the coal is, the more small coal there is in it, and the more goes through the screen. I am not familiar exactly with the percentages in the different States, but there are some where 30, 35, or 40 per cent of their coal goes through the screen; some cases more, some cases less.

Q. Do you get any pay for that at all?—A. No. The nut and pea coal goes through the screen. For instance, miners in the Hocking Valley gets 66 cents a ton for screened coal; they only get that 66 cents for a ton of coal that goes over the screen; what goes through the screen they do not get anything for.

Q. That would include their product that is sold as pea coal?—A. Yes; nut and pea coal.

Q. What method is adopted for keeping those screens clean?—A. They have a process for keeping them clean. The companies have men and boys there. When they get clogged up they are cleaned.

Q. It is to the interest of the company to keep them open.—A. Yes.

Q. (By Mr. FARQUHAR.) Is not your rate for mining coal by screen enlarged on the part of the proprietors to meet some of the disadvantages you get no pay for?—A. There are two prices. There is what is known as a price for screened coal and a price for run-of-mine. Run-of-mine is all together, small and large. In Ohio it is five-sevenths of the price.

Q. (By Mr. C. J. HARRIS.) The price of run-of-mine is 43 cents; the screened coal, 66 cents.—A. Yes.

Q. (By Representative GARDNER.) So that, theoretically, the coal that falls through the screen is paid for by the increase in price for that which goes over.—A. Theoretically, yes; that is, by the system under which we are working now.

Q. What is the reason for having a screen at all? Why not separate it right there in the mines?—A. The companies have the screens there for separation. It prepares the coal better for the market. It is more economical to separate it when it comes out of the mine. A few years ago, when mining was in its infancy, so to speak, in this country, they used to compel the miners to load coal with a forked shovel instead of having a shovel like they have to-day. They used to have a forked shovel with four or five prongs to it; what that fork brought out was allowed, and what that fork did not bring out the miner threw away; but since that time the screen has been put on the outside, and the miner loads it all.

Q. (By Mr. C. J. HARRIS.) The high-priced product is the screened product of the mine?—A. Yes.

Q. What would be the difference in the price at the mine between screened product and slack?—A. The slack is always the most inferior coal.

Q. I mean screened?—A. I met a retail coal dealer in Sandusky, Ohio, who purchased his coal directly from the Hocking Valley operators. At that time I lived down there. I asked him the price of coal and he told me that the screened coal or lump coal sold for $2.50 a ton in Sandusky; but he said for the small coal, or the crushed coal, as we call it—little pieces about the size of eggs—he got $2.75. He said people that bought this small coal would rather take it because it was all broken up; they pay 25 cents extra because it is broken up. This is the coal that goes through the screen—nut coal. At Sandusky, Ohio, they pay 25 cents more for that than for lump coal.

Q. Are you aware that at the mine the screened coal is one price and the refuse that goes through the screens is worth about one-sixth of that price? That is the rule in Tennessee mines; I do not know about Ohio.—A. I think they get $1 a ton on the car f. o. b. for the screened coal; 75 cents for the nut coal, and the smaller it is, the less for it. I do not think there is much difference, more than 25 cents, between the screened and nut; there may be 50 cents between that and pea coal.

Q. (By Mr. FARQUHAR.) Is there a large market for nut coal now?—A. Seemingly. They sell it right along.

Q. (By Mr. C. J. HARRIS.) The screened product being the highest, it is to the interest of every mine to turn out as much screened coal as possible.—A. The idea, in some cases, is that the company wants as much coal to go through the screen as possibly can. Of course, it stands to reason, from looking at it by a man who is inexperienced, the better coal he can put into the market the better prices he will get for it; but the more that goes through the screen the more profit they get.

Q. (By Representative GARDNER.) If the first grade of coal is selling at 75 cents a ton more than the next grade, the mining price being 66 cents a ton, every ton of coal that would go into the first grade and drop through into the second is a loss of 9 cents to the company.—A. What goes through the screen is divided into three different grades.

Q. (By Mr. RATCHFORD.) Is it a fact that the proposition that Mr. Gardner lays down is positively correct, providing the employer pays the same rate for mining all classes of coal?—A. Yes; if they did that.

Q. Is it the contention of your organization that they should pay the same price for mining the coal, or is it your contention that they should pay enough for mining coal that falls through the screen?—A. That is the contention. All mining is based on the screen basis.

Q. (By Representative GARDNER.) I assume that the market has a price for first grade, and that the first grade must come up to some standard. Is that standard the 1¼-inch screen?—A. That is the standard.

Q. (By Mr. C. J. HARRIS.) Unless you had these screens, would not operators be damaged on account of getting so much of their product in dirty, small, and dusty condition—what you call slack?—A. The entire State of Illinois is on a run-of-mine basis, operators and miners alike agreeing that it is an improvement on the old system of screening. The impurities we might think men would be careless in loading, simply saying, "I will get pay for this and I will load it"—that does not prove that men do it. The very fact that there are rules and regulations, local agreements entered into by miners and their respective employers, demonstrates beyond any doubt whatever that the miner does not load any impurities willfully, and that it does not interfere with the marketing of the coal when it is mined run-of-mine.

Q. What check would an operator or owner have on a miner if he should dump into the product two-thirds worthless stuff, under the run-of-mine payment?—A. One instance to my personal knowledge was where the miners themselves regarded the loading of worthless coal as injurious to them, and they said that while that man was loading dirty coal he was not only injuring the company but depriving them of work, and we did ourselves one time discharge a man for mining dirty coal. The majority of the miners will not load dirty coal.

Q. Would that be a business formula to go by? Would it be as standard a regulation as the screen, or as efficient?—A. While the screen takes out this slack and the small pieces, you know that in the market what injures the coal is not so much the slack that is in it, but the big pieces of sulphur. That is what interferes with the marketing of the coal; and those big pieces of sulphur are generally in the big pieces of coal. You can see them shining out. The screens were on the mines before my time, of course; I have worked in the mines over the screens.

I have no doubt in the world but what it was brought about by conquest, strikes, years and years ago; established a precedent—one little screen—then their use increased and increased until it is the way it is now. If there could be some way or other to regulate the screens, it seems to me that 50 to 75 per cent of the troubles between the miners and operators in this country can be avoided.

Q. Would the absence of the screens do away with the difference that now exists between the skilled and unskilled miners?—A. As a practical miner, I think it is necessary that the coal should be graded some way. You can not go into the coal market and sell an inferior coal and bring the best price. You can not go to the markets, in a commercial sense, with any products but what there are different kinds and prices. It seems to me that coal, like any other commodity, will have to be trimmed up in such way as to be made marketable.

Q. Suppose one miner is skillful, and his product for the day shows 65 per cent of screened coal; suppose the man working beside him gets out the same number of tons, but in such a shiftless way that 50 per cent of it is screenings. With the run-of-mine scale they would both receive the same wages. Would that be a fair proposition with the laboring man?—A. Mining ought to be, whether it is or not, worked like any other business. The very fact that there are so many unskilled miners is due principally to the operators themselves. Some of the States have laws that a man must have two years' experience before he can have charge of a room or place in the mines, but recently, you know, for years, any Tom, Dick, or Harry, with a broad back, who could use a pick and shovel, has been employed.

Q. Would not the screen be an advantage to the skilled miner?—A. That would depend upon the prices of mining.

Q. (By Mr. FARQUHAR.) What do you think is the general opinion of your union in all the States as to whether it is better to go to 43 cents for run-of-mine or 66 cents for screened, as an ordinary basis?—A. Well, that matter has never been brought up in our convention. Of course I would not care to speak personally on this important question. When I spoke of the five-sevenths I was speaking of the Hocking Valley. There was a test made at one time in this way: A certain number of tons of coal was mined, sent over a screen; a certain amount was mined and not screened—that is, run-of-mine. This was years ago, and the test showed that in the Hocking Valley it ran five-sevenths, and the price of mining was based on that test. Since that time machines have been introduced. There is not near so much slack in the harder coal as there used to be. The miners contend that a thing established years ago is hardly fair under the new order of things.

Q. Is it the contention of your unions to have the abolition of the screens as far as you can?—A. Yes.

Q. Have you attempted that through legislation?—A. Yes.

Q. What has been the result?—A. Where it has been passed by the State legislatures, I think in one case it was declared unconstitutional. In Illinois they had a law passed a year or two ago. The miners and operators agreed to try it, and have been trying it. There was a law passed at the last session of the legislature in Ohio. I understand that the operators in that State are contending against it and will bring it into the court. The operators claim that it is unconstitutional, and the miners, of course, that it is not.

Q. Is it a fact that in all the States they are declared unconstitutional whenever they have come to the test of the courts?—A. Yes; to my knowledge they have.

Q. Are you aware of the usual reasons given by the courts for making these decisions?—A. Only that it interferes with the right of individual contract, or something of that kind.

Q. Are you aware that there is no remedy in legislation unless you can prove a fraud in the screen?—A. I would suppose you would have to prove something.

Q. That that is the only remedy now, except through a conference between the owners of mines and your body, generally understood all over the States, arranged among yourselves?—A. Yes; I believe that is right.

Q. (By Mr. RATCHFORD.) Are the miners more ready to strike than other tradesmen, or less? What has been your experience in that regard?—A. I can speak more practically from a miner's standpoint. I have not been familiar with, neither have I been a member of, any other trade organization than the miners, but according to what I read and what I have seen I think the miners are very slow in striking, and they do not strike unless they have a sufficient cause.

Q. What accounts for the large number of strikes, local or otherwise, in the trade? Is it because of some peculiar condition as compared with others?—A. I would judge that peculiar conditions have something to do with it, such as I have enumerated here.

Q. Is it your observation that a general scale of prices, for instance, covering an entire State or a number of States, is more or less difficult to make than such a scale would be in the iron industry, for instance, or the glass industry, or any of the textile industries?—A. I think the miners would have more difficulty in making a scale for a State. I can not speak for the glass workers or the iron workers particularly. I would not care to do it. But in a State where there are so many different veins of coal and so many different systems of working it would be quite difficult to form a scale that would be uniform throughout that State for the miners. But I am free to say that during the past few years this is being done with a great deal of satisfaction both to the operators and the miners.

Q. Have you anything to say as to the boycott or blacklist?—A. The boycott and the blacklist are twins, I think. The boycott is used sometimes by the employees, while the blacklist is used by the employers.

Q. Does your organization sometimes use the boycott?—A. We have tried it once, to my knowledge.

Q. Have you any knowledge of any employer who is using the blacklist?—A. I would have to be positive about that. I remember one time I had to leave a place because of certain action I had taken. I could not get work. I had to go to another county, and I suppose that testimony can be secured that such a practice has been in force in different places. It is a very bad system.

Q. (By Mr. FARQUHAR.) Does your organization discountenance the boycott?—A. Yes; generally, it is against it.

Q. (By Mr. RATCHFORD.) Sympathetic strikes?—A. A sympathetic strike is sometimes necessary. It may seem strange, but it is sometimes necessary. For instance, supposing the miners of one State are contesting for a certain wage, and the employers of those miners go to the operators of another State and make a contract with them to fill the trade, in such a way as to give them certain parts of the profits. We realize, as a craft, that the miners of one State could strike, in this age at least, with the facilities of transportation, for a long time, provided the miners of another State may work. If the price of any one State is reduced by a strike and the miners are forced to go to work for less wages, it is only a question of time until the other men in the other States will have to accept the same conditions; hence sometimes we have sympathetic strikes.

Q. Has that been the experience of your trade, that a reduction in a portion of any one field competing with other fields brings about a reduction in the whole competitive district?—A. Yes, that has been the case. I remember one instance: In 1896 a company in the Pittsburg district—western Pennsylvania—for some reason or other was working below the prices paid in the same district by other operators. Consequently, in order to have trade, the operators of the other mines cut their men down to the same price as the other operator had. That went on until the miners of the Hocking Valley, their direct competitors, were idle for months and months, for the simple reason that they were taking the trade from them; and the officers of the organization were obliged to go down into the Hocking Valley in Ohio and persuade those men and try to reason with them on the advisability of accepting a reduction in order to get some work. In order to get something to do to keep their families they were obliged to accept 16 cents a ton less, simply because these other people were taking the trade away. That was a fact in Ohio in 1896.

Q. How about the people in the Pittsburg district you speak of?—A. They had to accept the conditions paid by the other man. Started in one place and went right along the line.

Q. That lower price was accepted voluntarily in order to meet the peculiar competitive conditions?—A. Yes.

Q. What have you to say in regard to importation of new or foreign labor under contract?—A. Well, we have not quite so much of that to contend with now as formerly. It used to be, years ago, that agents would go to Europe and bring over men to take the places of the men here, under contract; but during the last few years we are relieved somewhat of that. I do not know, but it seems to me that the class of labor that was brought in years ago has not been entirely satisfactory to the operators or the men who brought them here. I generally find, in my travels and in my experience, that the people who are brought in in that way are generally the most difficult to handle when they start to strike. When they get it in their heads that there is something wrong, you can hardly persuade them to anything, and they not only strike, but destroy property, and in a general way break the laws. Of course, the organization is opposed to any such importation of labor whatever, under contract.

Q. The questions of conciliation, mediation, and arbitration—compulsory arbitration or otherwise—what have you to say as to those?—A. The organization

expresses itself, and prescribes that the method of adjusting grievances is by conciliation and arbitration, and, as a last resort, strikes. But conciliation first; do everything in our power to prevent a strike and settle matters; and if agreeable to both parties we arbitrate, and the only weapon after that is the strike.

Q. Is your organization in favor of compulsory arbitration?—A. I do not think that has been brought up in our conventions. I do not think the miners of the country have acted on that question. I do not think we are opposed to compulsory arbitration under certain conditions. The conditions would be, for instance, when a strike of the miners would tie up through business. I think, under such circumstances, compulsory arbitration should be used. In the States where they have State boards of arbitration it has been very satisfactory, and they have been the means of adjusting many grievances. Of course, there are some who believe that compulsory arbitration would make the workers abide by the decision whether they liked it or not, and they would have no means of ridding themselves of it in the courts; their means would not afford it.

Q. (By Representative GARDNER.) Would not that be true?—A. Yes; that would be true; I have not yet seen a case decided by an impartial arbitrator but what public opinion has invariably been strong enough to make the parties abide by the decision.

Q. (By Mr. RATCHFORD.) The form of arbitration usually provided for in your trade is mutually provided for by the disputing parties?—A. Yes.

Q. (By Mr. FARQUHAR.) Can you settle your trouble between your employers and yourselves a good deal easier with the employers than you could with State boards of arbitration?—A. Yes; the miners have had very little occasion to call State boards; sometimes they have, but very, very seldom.

Q. (By Mr. RATCHFORD.) What have you to say in reference to injunctions in strikes?—A. I have often thought that the injunction, as used at the present time by employers of labor, and exercised as it is, under the plea of restraint of trade, is in reality but a part of the machinery to compel acquiescence with the wish of the employers, by depriving men of their liberties. The injunction has been used very frequently during our labor troubles. I do not think an injunction should be issued by any court, presuming that a man is going to do so and so; I believe every man who violates the law should be punished. I do not see why men, because they walk along a certain road, or because they are seen talking to their neighbor, should be enjoined from doing so.

Q. (By Mr. C. J. HARRIS.) Would you do away with it altogether as a legal remedy in every class of cases?—A. It is used generally against the workers.

Q. Does it not prevent violence and bloodshed at times, when things get into shape that nothing else will fill the bill?—A. It may prevent it in time, and, on the other hand, it may curtail a great deal of individual liberty, too.

Q. (By Mr. RATCHFORD.) With reference to the injunction, have you known of any cases where it prevented bloodshed?—A. No; I do not.

Q. Have you known of any cases where it has cost individuals or organizations money to defend themselves or their members in court?—A. Yes.

Q. Do you believe the law which necessitated the expenditure of that money was just to the men who were obliged to pay it?—A. No.

Q. Do you believe that the men who were enjoined intended to commit crime?—A. No; I had no reason to believe they had any intentions of that kind.

Q. Do you believe that the injunction as a legal measure should be used where there is just need for it, or not?—A. Where there is just need for it, yes.

Q. Then it is not the use of the injunction that your organization complains of; it is rather the abuse of it?—A. The abuse of it; going to extremes.

Q. What method of payment is most desirable to the mine workers represented by you?—A. The weekly pay day is the method that the miners would like to see practiced everywhere.

Q. What advantages or disadvantages are there in the weekly pay?—A. As a general rule the advantage would be that the miners would have more ready money to make their purchases. Sometimes opportunities come across our paths which, if we have a dollar in our pockets, enable us to spend it to greater advantage than we could if we did not have it; and we think this way, that the credit system would be, to a greater extent, abolished. The bimonthly pay made a great improvement from the old way of monthly pay. We saw an advantage in that, and we think if a bimonthly pay was an advantage to our people—to have our money twice a month instead of by the month—that certainly a weekly pay would be a greater advantage. Ready money counts with the working people the same as it does with the money power, and for that reason we favor a weekly pay.

Q. Have you any sliding scale?—A. No.

Q. What are the objections to the formation of a sliding scale, if any; and why should such a scale not be agreeable to both parties?—A. A sliding scale would be all right provided there was a minimum below which the price should not go; and that the minimum should be, in my judgment, sufficient to enable a miner to keep himself and wife and family in respectability.

Q. (By Mr. FARQUHAR.) Has your organization ever tried the sliding scale?—A. No.

Q. Are you aware that the sliding scale is one of the best features of the English mining industry?—A. Yes; I am aware of that.

Q. (By Mr. RATCHFORD.) Store orders and payment in kind; is this system of payment practically general in the mining regions?—A. It is not general, but a great many places do practice that kind of payment.

Q. Is that satisfactory to the members of your organization?—A. It is not at all satisfactory, and time and time again they have resolved in their meetings to have it abolished.

Q. Why is it not satisfactory?—A. The store order should be abolished because it is not the equivalent of cash. Store orders are only good for that certain store. You must pay whatever prices they ask; can not go any place else. Other stores will not take the orders. In some places where they do make a little trade in one commodity or another there is generally about 20 per cent discount. Store orders, in my judgment, and payment in kind, ought to be abolished if there could be some way of doing it.

Q. Any other objections to it?—A. Probably a great many objections, but I think that is the principal one; that it is only good for a certain store, and that it is not cash. You can not go any place else with it.

Q. How are the prices in these company stores as compared with prices in other stores?—A. Generally the prices in the company stores are very high, anywhere from 20, 25, and 30 per cent. It depends a great deal upon where the store is located. If a mine is located 3 or 4 miles from a town—generally the miners live around the mine—there is only that one store there. It has no competition with the outside world, and the miners must generally give them their price, no matter what it is. Where a company store is located in a town with other stores, where they have opposition next door, etc., there is not so much difference; but where they are isolated and where the company owns the land and no other store can be allowed, then the prices are very high and are very exorbitant, indeed.

Q. (By Representative GARDNER.) In such cases is the high price due to the money-order system or the isolation of the store—the lack of competition?—A. If they had cash they could probably go a mile or two; they would be more likely to.

Q. At any rate they would feel that they could?—A. Yes.

Q. (By Mr. RATCHFORD.) When this lack of competition exists what is it due to; natural causes?—A. Unnatural causes, I think. There are some cases where the operators own the land for probably a mile or two, sometimes more, sometimes less, and especially is this true in West Virginia. There is not a schoolhouse, barber shop, or meat shop, or anything of the kind that is not almost directly under the supervision of the coal companies, and of course a grocery store or dry goods store or something of that kind. If the operators had that general store, and they deal in this merchandise, there is no other piece of ground sold or house rented in which another man could go in and have a store. They are obliged to go there and deal. Of course, if they had money they might go to cities near about. All they can do is to deal in that store, and they are charged very high prices for the goods.

Q. (By Mr. FARQUHAR.) Have they tried to abolish these stores by law in the different States?—A. I do not know about that; I think they have. I sometimes think they will only be abolished by the trade unions themselves.

Q. Would not a law in the State of Ohio that all wages of employees shall be paid in money, weekly or bimonthly in cash, be a great help?—A. Yes.

Q. Would it not obviate the usual reasons given against laws of that kind, that you can not pass a law against mining corporations that does not apply to the corporations all over the State?—A. Yes.

Q. (By Mr. RATCHFORD.) Are you aware of any influence, direct or indirect, brought to bear on these miners to deal in the company stores?—A. Yes; I know a case directly, and many cases indirectly. I want to be positive of my ground. I worked one time for a man named Robbins on the Baltimore and Ohio track 2 miles east of Cambridge, Ohio, mining coal. My family did not care to deal out of the store. We lived 2 miles from Cambridge. My wife could do better in town, and, like all other good housewives, of course she wanted to make the money go as far as possible. I was there 9 months. I never got my money on

pay day that they did not ask me why I did not deal out of the store, and finally I was cornered out; I was not discharged. What I mean by saying discharge I is that I was not told, if you do not deal out of my store you can not stay here. But I was placed so that I could not work.

Q. Do you believe you were discriminated against?—A. Yes; because I took all my money, outside of the powder and oil, in cash.

Q. What was the name of that company?—A. Robbins Coal Company, at that time.

Q. Fines and penalties—have you anything to say on that?—A. The miners have no fines or penalties, only in the way of docking, or something of that sort, that I spoke of this morning.

Q. What have you to say with reference to mine tenements?—A. There could be a great deal said in this particular. The houses built by the companies for the miners are very poor, to say the least. They are generally very small. The location is anything but desirable. They have no sanitary regulations whatever in a majority of cases, and I think there could be a great improvement made in the way of building those houses and having them properly looked after. They are practically the same in every State. In Ohio I believe they have as good houses as anywhere, but they are built principally with straight boards. They go into the timber land with their sawmill and cut the trees down and saw up the logs, and the houses are nearly all built with straight up and down boards, with a slat put over the board. Many of them are not plastered at all; some of them are.

Q. (By Mr. PHILLIPS.) Are they all papered?—A. The company furnishes the paper in some cases; in some cases it does not. As a rule, they paper them.

Q. (By Mr. RATCHFORD.) Is the class of houses built in more recent years improving over the class built formerly?—A. No; not to my knowledge. They are put up very cheap. I know of one case where there were five company houses put up at a contract price of $95 for each house. These houses were built in 1882, and there are people living in them and paying $5 or $6 a month for them. I do not think there is much improvement in that line.

Q. (By Mr. C. J. HARRIS.) Are mining tenements sometimes temporary on account of the mine not being a permanent thing, or are your coal mines permanent—that is, run for a good many years?—A. Yes; this mine I speak of now has been running probably 21 or 22 years.

Q. If they were being used for only 2 or 3 years, they could only afford a cheap house?—A. Most of the mines last anywhere from 15 to 25 years, and some longer than that.

Q. When they are through with the mine the houses are really of no value?—A. That is right; there is nothing there but the mines. Of course, nobody wants to live in them then.

Q. (By Mr. RATCHFORD.) I say, what influence has the tenement house and the company store, either or both of them, in suppressing strikes or giving rise to strikes?—A. Well, the influence, in my judgment, would be more to prevent strikes than anything else. The people who work and deal in the company store so very seldom get anything laid by that they are depending upon their work and consequently upon the store; and then they know if they strike and refuse to work that the company would want them to move out of its houses, and consequently they will be both out of work and out of a home.

Q. Have you any cases in mind in which methods of this kind were adopted?—A. No; nothing more than in a general way. I do not think that I can state any particular case.

Q. Have you any recollection as to any case in which a strike resulted in the eviction of miners living in company houses in any of the States? I mean by eviction the wholesale vacation of the houses.—A. Yes; they did that in 1897 at one or two mines down in West Virginia. When the miners refused to work there the sheriffs and deputy sheriffs went and put their furniture on the wayside.

Q. (By Mr. PHILLIPS.) Can you name the mines or the companies?—A. No.

Q. (By Mr. RATCHFORD.) Have you any recollection of that occurring in any of the other States—in Pennsylvania?—A. Yes; it has occurred in Pennsylvania. I can not remember the names of the companies. It has occurred in Pennsylvania and Ohio and Illinois, to my knowledge.

Q. (By Mr. FARQUHAR.) Did it occur in the Connellsville coke region and among the Scott mines in Pennsylvania?—A. Yes. That was before my official time, I suppose. I read of it and heard about it. I understand they did it there by wholesale.

Q. (By Mr. PHILLIPS.) Have you ever been in the mining camps or at the mines where there have been general evictions?—A. Not at the time.

Q. Or immediately after?—A. No.

Q. (By Mr. RATCHFORD.) As to the difference of wage schedules—different States and sections—have you anything to say on that?—A. Not particularly. Of course, they vary as to prices.

Q. What can you say of the influence of organized labor on wages?—A. I would say that, to my knowledge of 15 or 20 years, the tendency of wages has been downward, and this downward tendency is only checked at certain times by the strength of the miners through their organization. We have gained, as I said this morning, about 20 per cent in the last 2 years. That has checked a little the last 2 years, but the tendency of wages has been downward for years, and the organization, in my judgment, is the only thing that checks the downward tendency.

Q. (By Mr. C. J. HARRIS.) How long did you say you had been in this business?—A. Well, officially, 10 years. I have been in the business 25 years, or all my life.

Q. How far could you go back in business?—A. Well, 25 years.

Q. (By Mr. RATCHFORD.) In this country?—A. No; I can not go back that far. I can go back 20 years in this country.

Q. What have you to say as to the social condition of labor during that time?—A. I think the social condition has improved somewhat.

Q. Have the wages improved?—A. No; not particularly; but the social features of it have. There seems to be a better undrstanding between the workers than there used to be—more intelligence, which signifies a lot in bringing about a better social condition.

Q. Are the social wants better supplied now than they were formerly?—A. No; I do not know that these people want more than they did formerly.

Q. Their wants are increasing?—A. Their wants are increasing.

Q. (By Mr. C. J. HARRIS.) Is there not a cheapening of articles? Are not sewing machines and other like things far more prevalent now than they were?—A. Yes; but I think, according to my knowledge of things, that it is as difficult now to get a sewing machine as it ever was. While they may be cheap, money is scarce, among the miners especially, and no matter how cheap an article is, if you have not the money you can not buy it.

Q. Do your people have accounts in the savings banks to any great extent?—A. No; I think it takes all that they make to keep them even the way they live, and in many cases I do not think that a dollar or a dollar and five cents or ten cents a day is sufficient to give them much chance to put anything away in a savings bank.

Q. (By Mr. RATCHFORD.) The increase or decrease of the number of employees—excess of employees—have you anything to say on that?—A. No.

Q. Have you anything to say of the effect of the employment of children on themselves and on adult labor?—A. Yes. I think that when a boy or girl goes to work too early it has a tendency to make them physically as well as mentally weak. Especially in the mines, when a boy is in his tender years, the atmosphere is not what a boy of that age ought to breathe, and it stunts him to a great extent, and then when he gets into a mine, starts in there, he generally has to stay there. Finally, of course, his schooling is cut off; he has no chances of educating himself, no opportunities to become intelligent in any way, and this prevents him from developing in almost every faculty he has. If a law could be passed that would even prevent children from going into mines or workshops or factories, mines particularly, under a certain age, I think it would be a good thing.

Q. What age would you propose?—A. I do not think a boy should go into the mines less than 14 years, no matter under what circumstances. I think 14 ought to be the very least a boy should go into the mines.

Q. What causes do you assign for irregularity of employment, mainly?—A. Some call it overproduction, some call it underconsumption, and some ascribe it to strikes and lockouts, market and economic conditions. There are different causes why the work is so poor. I judge, from the miners' standpoint, that we have almost a third more miners than are necessary to mine the coal that is required for consumption.

Q. (By Mr. FARQUHAR.) Do you mean union or nonunion?—A. I mean the miners of the country.

Q. (By Mr. RATCHFORD.) In your trade the season has something to do with irregularity of employment, has it not?—A. Yes; in different localities. There are some localities where the trade is best in the winter for the miners; in others it is best in the summer. It regulates itself in this way: Where coal is shipped by water, on the lakes, the summer is the best time, when it goes to the West and Northwest. Where the market is inland, or where they do not have to go on the

water, generally the winter time has the best trade. The big Hocking Valley in Ohio does most of its work in the summer months, while the operators of Indiana and Illinois do their work in the winter months.

Q. Any other causes of a general nature?—A. No; I do not know. There might be a great many causes assigned for that, but where there is a market there will be coal produced, and where there is no market there will not be any.

Q. Has the introduction of machinery anything to do with it, and electricity and gas, which are used as substitutes for coal sometimes?—A. Sometimes. The gas in the Pittsburg district there interfered with the mining considerably, and of course the more gas there is burned the less coal there will be burned, which will be less work for the miner. Machinery has also something to do with it. They produce a great deal more coal in a day or a week now than formerly.

Q. (By Mr. C. J. HARRIS.) Has there been a large increase in the consumption of nut coal?—A. Yes.

Q. (By Mr. RATCHFORD.) The number of days employed, hours of labor in the several States, Sunday labor—anything to say on those subjects?—A. No. I suppose the statistics will show that for the last 5 or 6 years the working days of the year have varied a very little. I think it is about one hundred and eighty-five or seven—along in there somewhere.

Q. What have you to say in regard to the shorter workday and its effects where adopted?—A. The effects of the shorter workday have not been, to my knowledge, any hardship whatever on our employers. On the other hand, it has given men the opportunity to be with their families a little more; it has given them an opportunity to read, to think, and to study problems that they ought to be familiar with, and in the four States, Illinois, Ohio, Indiana, and western Pennsylvania, where the 8-hour shorter workday has been in force for a year, neither the operators nor the miners wish to go back to the old way, and all seem to be satisfied with it. A man with a family is more at home; socially he is happier; his system is kept up better, and, take it all in all, it seems to me that the effect of the shorter workday has been very beneficial to the workers.

Q. You say that the operators do not want to go back to the longer workday?—A. They did not make any opposition to it in the last general meeting we had.

Q. Was that shorter workday movement readopted at your last meeting?—A. It was readopted at our last meeting; and we will continue to work 8 hours during this year, by joint agreement.

Q. The operation of existing laws as to screens, company stores, etc., cooperation, premium payments, profit sharing, industrial copartnership; anything to say on that?—A. No.

Q. We will go to the question of immigration and education. What have you to say on them?—A. The general effect of immigration from the British Isles, France, and Germany may be other than the overcrowding of the labor market. The people of the above countries demand good wages, comfortable conditions of employment, and readily adopt the highest American standard of living and morals. Slavs, Poles, Hungarians, and Italians are not so desirable, their standard of living being lower. They are a longer time assimilating American ideas. They are the principal menace to our wages and morals in this country. I have come to this conclusion because of my personal knowledge of the people that have been imported here. The standard of living, to a very great extent, is brought about by the people themselves, and you will find that the English-speaking people desire a higher standard of living; they desire to live in more respectability, more comfort, and all that sort of thing than these non-English-speaking people do. I sometimes favor that legislation, if it could be enacted, preventing the employment of any in the mines but those who would stand an examination demonstrating their knowledge of mines and mining; and, providing, that unless they can show conclusively that they have sufficient knowledge to take the prescribed examination, they should be excluded from the mines unless they serve as apprentices to experienced miners for at least a couple of years. There are a great many of these men in the mines that do not understand much about mining; and I believe that it is the inexperienced miners that make all the trouble. They go into the markets with the dirty coal. If they had good miners—practical men in the mines—there would be very little trouble in marketing all the coal; and I think it stands to the interest of the operators and employers, as well as the employees, to see that some kind of a test, some practical knowledge should be required of the man that enters the mines.

Q. (By Mr. PHILLIPS.) What is your native country?—A. England.

Q. When did you come to this country?—A. 1880.

Q. How old were you when you came?—A. I was 21.

Q. (By Mr. CONGER.) You are a citizen of this country now?—A. Oh, yes.

Q. You would be in favor of prohibiting the immigration of all non-English-speaking people?—A. I would be in favor of preventing them from coming, as far as the law goes, under contract. When a man wishes to come to this country, pay his own way, and has sufficient to start him in life—help him, I mean, until he gets employment—I think there should be no objection to persons of this kind.

Q. Do you think the present immigration laws are adequate and satisfactory, or would you change them?—A. They are a great improvement; they have done a great deal for us, as miners, we think. We believe they have prevented a great many people from coming and taking our places. There might be some way of making an improvement, of course, but we can only find that out by experience. I believe the present law has done a great deal for the miners in the way of keeping this class of people out.

Q. You think they are quite sufficient and you do not advocate any changes?—A. I think that if we had the laws now in force for a time, at least, they would be perfectly satisfactory.

Q. (By Mr. RATCHFORD.) Have you reason to think or believe that those laws are not operative?—A. No; I have no reason to think that. I believe that wherever the department of immigration has the least idea that the immigrants are coming here under contract, they are doing all in their power to enforce the law and prevent it.

Q. Do you know of any cases in your district where laborers have come in under contract?—A. I would not be certain about it, but it was reported that there were people in New York who had arrangements made with some people in European countries to bring over some people for the Pana strike up here in Illinois, among the miners. That was only reported, and I know for a fact that the department of immigration had their agents in Pana watching for them, and they also had them watching here at Ellis Island, expecting that if they should happen to slip in or slip through, they would find them at the other end.

Q. (By Mr. FARQUHAR.) Have you any facts to present, or general information of your organization on educational tests of immigrants as a restrictive measure?—A. No.

Q. (By Mr. RATCHFORD.) Have you anything to say on the question of colored labor?—A. As far as we are concerned as miners, the colored men are with us in the mines. They work side by side with us. They are members of our organization; can receive as much consideration from the officials of the organization as any other members, no matter what color. We treat them that way. They are in the mines, many of them good men. There is only one particular objection, and that is they are used to a great extent in being taken from one place to another to break a strike, as we call it, in such cases as we have here now at Pana, where this trouble is going on, and that trouble they had at Virden, Ill. I sometimes think that they are not taken to those places because they want to go. I sometimes think it is their ignorance of the matter. I would rather put it that way. I think it is because of their ignorance of the labor movement and the labor world that they are deceived by those who engage them, and that there are beautiful pictures drawn for them. When they get to a certain place, why they are there, and some of them, I know, many times are sorry for it. But still they are used for that purpose, and I would rather attribute their use to break strikes to their ignorance than anything else.

Q. (By Mr. PHILLIPS.) What per cent of colored laborers are employed in the mines throughout the country; have you any facts or figures?—A. I could not give the facts or figures; I have nothing positive.

Q. Will you give your estimate?—A. I think probably 10 or 15 per cent.

Q. Of all the miners in the United States, embracing both the anthracite and soft coal?—A. Yes; I think that is probably fair from what I have seen of it.

Q. (By Mr. RATCHFORD.) The public-school facilities and their adaptability to the needs of the working people—what have you to say as to that?—A. I think that the rising generation, with the privileges of education they have, will be much better men and women than we are, as laboring people. I think that education will bring about for the workers of this country as much, if not more, in the future as the trade unions will do. The better educated a boy and a girl, a man or a woman is, the less servile they will be, and when they come to find out that there is something to live for, in my judgment they will not work for a wage which will only merely keep them in existence, but they will demand, because of their knowledge of things, a better price and receive better wages than we have. The schools in the principal mining districts are very efficient, but I think that in some cases if there could be some provision made for night schools where the young men could have opportunities to go to school it would be a great thing for them. I know there are many young men who have been deprived

of schooling when young; and, working in the mines in the daytime, they have no opportunities to go to school, and many of them think they are too big to go to schools with little boys and girls. If there were night schools, I think it would be a great help. As to the efficiency of the schools, in my judgment at least, I have no complaint whatever against them.

Q. Have you anything to say as to discrimination in freights, concentrations, and consolidations?—A. The freight rates and that sort of thing—it is a hard matter for a labor organization to get at those things. We are told by our employers sometimes in making our contracts that there is discrimination, and that a certain company or a certain operator, through some influence or other, has an advantage of them in the markets by reason of freight rates. We have no positive knowledge of that. We can hear all these things, but that does not give us the positive knowledge, because the man who has an advantage of this kind keeps it to himself; he tries to, at least. And they do not give us these figures, but it is their business sometimes, although it has never been proved scarcely, for the want of books, etc. There is evidence, however, that there are operators who have an advantage of others, either by being connected in some way with the railroads, or something else. Some of the coal companies in the big coal fields also control the railroads, or have an interest in the railroads, at least something of that kind, which probably is of advantage in freight rates. I do not know how we can get at that positively, I am sure; but that is the understanding and that is the suspicion.

Q. Take up the subject of the present mining machinery and its effect on the prices and profits of labor.—A. There is no doubt but that the present machinery is cutting quite a figure in regard to prices and profits, and it has also quite an effect on labor. I think, however, that the commission could best get authentic figures by consulting Parker's Geological Survey. The machinery has to a great extent displaced labor in our coal mines, and it is here to stay. You can not possibly object to machinery. The improvements will come on, and we welcome them, but we as workers simply want, if we can, to have a share in the benefit of that machine. The machine-mined coal meets in the market with pick-mined coal, and the operators, of course, are taking advantage of these things; and where they used to compete with pick-mined coal, they have now their machines, and they compete, of course, with machine-mined coal. I do not know that the price cuts much figure. I do not know whether the operators are getting much more profits by machine-mined coal than they used to when all the coal was mined by pick, because they are competing with pick coal mined by their neighbors right along.

Q. (By Mr. FARQUHAR.) Is there any displacement by these machines of the numbers of working miners?—A. No; there are more miners. I think there have been more the last few years than there were. The miners of the country are increasing. I would think that this is caused by the new developments in the West and Northwest. We have coal now in a great many of the States where we did not have it formerly. We have in West Virginia now nearly 20,000 miners where we used to have only 6,000 or 7,000. As the States develop, of course men flock to the mines, from one State to another. The increase is slow, but there are a little more in the mines than there used to be.

Q. In mines where these machines are used are there less miners employed now than there were before these machines were put in, for the same tonnage?—A. Oh, yes; less men and more tonnage.

Q. Will you give us just about how much of a displacement of labor it is?—A. No; I can not give the exact figures in that respect; but where they put in machines they generally open out their mines, and where it took two men to work one place one man will be in a place, and that would make more room for the other men, and hence the production is much greater according to the number of men.

Q. (By Mr. RATCHFORD.) If the production of a mine can be increased by the use of machinery and with a less number of workingmen in one mine, is not that also true of one State and of the entire country?—A. Yes; it will be the same thing in the State as it is locally.

Q. Would the number of miners employed to-day in the United States produce their present tonnage in mining with the old methods, working the same hours and the same days?—A. No; they could not do it.

Q. (By Mr. PHILLIPS.) If any given mine that works a hundred men by pick were worked by machinery, how many men would be saved out of a hundred?—A. About forty—almost that many.

Q. (By Mr. RATCHFORD.) Does not the relative price of pick-mined coal, as compared with the price for machine-mined coal, indicate plainly the amount of labor displaced by machinery?—A. Yes; that is, nearly one-half, as forty is to a hundred; just about that.

Q. What can you tell us as to industrial or remedial legislation?—A. Most of the mining States have laws dealing with the subject of employers' liability. I think that they are properly looked after; are carried out in their true meaning. I do not know that I could say much on that. I think probably that an employers' liability law could be brought about in a national way.

Q. What have you to say as to sanitary laws, mining-inspection laws, etc.?—A. Where there is mining to any great extent the State has laws governing it, and some of them are about as well drafted for the present as I think they could be. The inspection is done, to my personal knowledge, in a very systematic way, especially in Illinois, Indiana, Ohio, and western Pennsylvania. The mine inspectors have certain duties to perform, and they do them regularly, and the safety of the miners under the mining laws is much better than it was years ago under the old system.

Q. Have you anything to say as to uniformity of mining legislation in the several States?—A. I think the only way that uniform legislation for the several States and Territories could be arrived at would be by national law. The State laws they have now differ a little in the different States, but not much. Their principle is the same and the intention is the same, for the safety of the men and all that sort of thing. But for a uniformity of mining legislation it would have to be done, of course, by the National Government.

Q. (By Mr. PHILLIPS.) In your judgment, which State has the best mining laws?—A. Ohio has been in the lead, in my judgment.

Q. If the laws of Ohio were adopted in the other mining States it would make a uniformity?—A. Yes, of course. I would want the Government to take the best laws if they made a national law. Ohio was one of the first States to have any laws in reference to mining inspection, and other States of course have fallen in line, and it has improved year after year, as they have seen some little changes that were necessary by experience. The last legislature, which has just adjourned, in Springfield, Ill., I understand, has made some very great improvements in the law of Illinois. I have not seen them yet, but I understand they have made some changes, and they may get up with Ohio before they get through with them.

Q. (By Mr. FARQUHAR.) Does your national organization in its annual meetings take up the laws of the various States and discuss them?—A. No.

Q. Are there any formal representations made to your organization of the failure of remedial laws in any of the States?—A. No; they are reported to the State authorities.

Q. Have you legislative committees at the State capitals?—A. No.

Q. Have you any legislative committee at all in your organization?—A. Not a standing legislative committee. In case of a bill like we have now before the Ohio legislature, at least the one that was passed there last winter, it is generally customary, when we have a bill like that, to send one or two men up to try to get it passed—talk to the representatives; but we have no standing committee.

Q. Have you an emergency committee?—A. No; nothing more than our executive board is considered an emergency committee. They look after the organization in detail, but we have no particular committee.

Q. Your organization, in its national or State capacity, does not take up these questions of legislation?—A. Before the legislatures of the several States—no.

Q. How is the legislation secured?—A. Sometimes a miner will be elected to the legislature. He has experience and generally introduces the thing first, and then of course he calls upon the members of his district to help him out, and in that way it is principally brought about. I think the first laws we ever had in Ohio were brought about by one of our officials, a miner, being elected to the legislature, and, seeing the need of these things, he introduced them into the House.

Q. So that the remedies for the evils in the mining trade, as far as the miners are concerned, are brought about more through the organization in conference with the employers than by going to the legislature for legislation?—A. No; I do not think that the employers have done very much.

Q. Have you, in conference with your employers, taken up this matter of wages and sanitary matters?—A. Oh, yes; we do that.

Q. (By Mr. RATCHFORD.) Is it a fact that by your mutual agreement with the operators you have wiped out more screens than by all the laws thet were ever enacted?—A. Yes.

Q. Is it a fact that by mutual agreement with your employers you have shortened the hours of labor more than all the laws that were ever enacted?—A. Yes.

Q. You are relying principally upon your organization and upon the joint relationship of both the miners' organizations and the operators' associations—mutual relations—to bring about these improved conditions you want?—A. Most decidedly.

Q. (By Mr. FARQUHAR.) Do you find that it is nearly always a failure for your organization to get remedial legislation?—A. Almost a failure.

Q. That it is declared unconstitutional if you do get it?—A. Yes.

Q. And that in the long run you more generally get these reforms by mutual agreement than in any other way?—A. By meeting together and discussing the matter.

Q. (By Mr. PHILLIPS.) Did you not state that the mining-inspection laws were perfect, or about so, and that you had no reason to complain?—A. I said that, yes; in many of the States.

Q. The point is this: That legislation has been of considerable benefit to the miners?—A. In the way of legislation for air, the general condition of the miner in the mines, and safety.

Q. Could those safety arrangements have been brought about without the legislation you speak of?—A. I do not doubt but what it would have come, but it can be done with legislation better.

Q. Would the present sanitary and safety conditions of the mine have been the same had it not been for legislation, or nearly so?—A. No; I do not know that they would. I think the law helps us a good deal in making these improvements.

Q. (By Mr. RATCHFORD.) Is it true that without such legislation it would be an impossibility to have the ventilation and safety appliances necessary for the protection of life and limb and inspection?—A. I think that if we did not have the laws we could not possibly. I think that the laws help us a great deal. In fact, we could not have the safety of the miners, only by legislation.

Q. To the laws, then, of the States that much credit is due?—A. That much credit is due.

STATE OF INDIANA, *County of Marion:*

I swear that the statements made by me of my own knowledge in the foregoing report of my testimony before the Industrial Commission are true, and that all other statements I believe to be true.

W. C. PEARCE,
Secretary and Treasurer, United Mine Workers of America.

Sworn and subscribed before me this 11th day of July, 1899.

JAMES STEVENSON,
Notary Public.

My commission expires August 4, 1901.

WASHINGTON, D. C., *April 14, 1899.*

TESTIMONY OF MR. S. M. DALZELL,

President Illinois Coal Operators' Association.

The commission met at 10.30 a. m. Vice-Chairman Phillips presided, and introduced as a witness Mr. S. M. Dalzell, president Illinois Coal Operators' Association. The topical plan of inquiry on mining was followed.

Q. (By Mr. RATCHFORD.) What is your business?—A. General manager of the Spring Valley Coal Company at Spring Valley, Illinois. It is in the northern part of the State, about 104 miles southwest of Chicago, between Chicago and Rock Island, and 5 miles from La Salle.

Q. How long have you served in the capacity of president of the operators' association?—A. Since its formation; I think it was in November or December, 1897.

Q. Does the association cover the entire State of Illinois?—A. Yes; although there are a number of operators in the State who are not members; but a large majority of them are.

Q. Have you any connection or relation with the operators' associations of adjoining States or competing States?—A. None, except as we have met in interstate conventions.

Q. Please explain the purposes of your association and your meeting in interstate conventions.—A. The Illinois Coal Operators' Association was formed with the purpose of going into the interstate convention of January, 1898. Connection with the association is voluntary, and every one has a right to withdraw on notice.

Q. State to the commission anything you may desire in connection with the comparative earnings of capital invested in mining during the past 50 years.—A. I am unable to go back 50 years. My first connection with mining was in a small way in 1872, and only for a comparatively short time. The earnings of capital in the coal industry at that time were large. I was speaking to Mr. Joseph Forker, an old friend. We were talking about coal mining in the early days when he was mining coal in the Shenango Valley district of Pennsylvania. It was Mr. Joseph Forker. I said, "Mr. Forker, what did it cost you to mine block coal?" He said, "We never knew. We mined 50,000 or 60,000 tons of coal per year, and we divided $50,000 or $60,000 per year." The earnings of capital invested in coal, perhaps within the last 10 years particularly, have been, so far as my experience goes, small. I am speaking particularly of the northern part of Illinois, now. I think the same amount of capital invested in any reasonable security would have paid a better interest on the investment than it has paid during the last 9 years; very much better.

Q. (By Mr. PHILLIPS.) Is that also true of other parts of your State and other States?—A. In a general way, it is. There may be special cases where the earnings have been large because of peculiar conditions. I think that has been true of the coal business, as a whole, for the last 8 or 9 years; that is, in the competitive fields. I do not know what it is outside.

Q. What is the percentage of failures in the coal business?—A. I could not say.

Q. (By Representative GARDNER.) Is the period of 8 or 9 years mentioned in a general way, or because of some special conditions which have arisen in that period?—A. It is true that during that time we have been subject to a number of strikes, which have not only stopped the earning power of the money invested in the properties, but have allowed the mines to deteriorate, and it has cost money to put them in order. It is not true so far as bad debts are concerned. I do not know what it is in the East, but in northern Illinois we make comparatively very few bad debts; not usually in large amounts.

Q. Suppose the period were stated at 5 years?—A. It would not improve it.

Q. Would it lessen it?—A. I think it is about the same.

Q. You think it is standing at about a level now?—A. Yes, and has been for about 9 years.

Q. What if you made the period 15 years?—A. During the time previous to 9 or 10 years ago I was not for a number of years connected with the operating and was not in a position to know the earnings of the coal companies, except as I heard men talking, saying whether they were making money or not.

Q. (By Mr. FARQUHAR.) Where do you find markets for northern Illinois coal?—A. Throughout the Northwest. When I speak of northern Illinois it means Braidwood, Streator, Spring Valley, and La Salle districts. A very small percentage of that coal is marketed in Chicago; the balance of it goes to railroads and to manufacturers and retail dealers in the Northwest.

Q. The products of what States come into competition with you in this market?—A. The products of Indiana, Ohio, Pennsylvania, and Iowa, particularly.

Q. Is your transportation nearly all rail?—A. Our transportation is all rail.

Q. Is the quality of your coal equal to the competing coal?—A. It is not equal to the Ohio or Pennsylvania coal.

Q. Does it ordinarily reach as high a price in the market?—A. No; in competition it will not bring anything like the price. The coal of northern Illinois, if it were located in Ohio or Pennsylvania, would not be marketable. We could not mine it at a price which would enable us to sell it in the market if it were mined in the same locality with their coal.

Q. What grade of bituminous coal would you call it?—A. If you take Pittsburg coal as the first grade, Ohio as the second, I think about third or fourth grade.

Q. How far west do you find markets for the Illinois coal?—A. We ship a very little coal into Nebraska and South Dakota. It goes principally into northern Illinois, northern Iowa, southern Wisconsin, and southern Minnesota.

Q. What is its usual consumption—manufacturing or domestic purposes?—A. I can only base my statement upon the output from our own mines. I should think about 65 per cent of it is consumed on railroads and 35 for steam and domestic purposes.

Q. (By Mr. PHILLIPS.) What is the comparative cost of mining coal there and in the Pittsburg and Ohio districts?—A. In our particular field the cost is very much greater. I think the run-of-mine coal, as I remember it now, at Pittsburg is about 40 cents a ton. In northern Illinois, at our property, we pay 63 cents for run-of-mine coal.

Q. What is the cause of the differences?—A. There are two or three causes for

it. The first is that the vein is about 3 feet 8 inches thick. The work is done on what is known as the long-wall system, in which we take out all the coal. In order to haul the coal to the bottom of the shaft we are obliged to take down roof in the entry, and the miner is obliged to handle a certain amount of rock in order to protect his working place or room, and the company is forced to do a very large amount of brushing in the roadways in order to make height that the coal may be hauled to the bottom of the shaft. I presume that we hoist an average of 1 car of rock for every 5 to 7 cars of coal; certainly 1 car of rock for every 5 to 8 cars of coal.

Q. Is that from the roof or floor of the mine?—A. Usually from the roof. We have a great many falls. We are obliged very largely to timber our roadways on account of the soft character of the roof. That adds largely to the expense. We are obliged to sink shafts in our section from 340 to over 500 feet deep and to hoist the coal.

Q. Do you have much water to contend with?—A. At our place we have none at all, except surface water. We do not strike a drop of water in sinking a shaft, except surface water at probably 20 or 25 feet deep in the valley and 50 or 60 feet deep on the prairies. The mines are dry and dusty, and we are obliged to sprinkle the roads to lay the dust.

Q. Do you have gas?—A. We have no gas. There has never been, as far as I am able to learn, a sign of gas in that particular vein of coal. We can work right under the river and not have a bit of water until you strike what is known as salt water, at a depth of 700 feet, and at about 1,300 or 1,400 feet you strike artesian water in the St. Peter sandstone—fine water for drinking. It is very peculiar that we should have no water.

Q. What kind of material do you go through in sinking a shaft?—A. Go through shale, rock, and pass through different seams of coal at various places, in layers, which compels us to timber the shaft from top to bottom.

Q. (By Mr. FARQUHAR.) Is there a State law requiring the timbering of your shafts?—A. Not that I am aware of. We could not operate a mine without it; could not keep the shaft open.

Q. (By Mr. PHILLIPS.) Is your coal comparatively free from sulphur?—A. There is considerable sulphur in Illinois coal—more than we wish there was.

Q. (By Mr. RATCHFORD.) You stated that if the coal mined in your vicinity were mined in Ohio or Pittsburg you could not compete with the coal that is being mined there. Does the advantage of a cheaper freight rate in the northwestern market enable you to compete with these other coals?—A. Yes; our location. It is the location close to the market which enables us to sell coal which otherwise we could not do. To show you how that operates, Pennsylvania and Ohio coal will be taken to the lakes, loaded on vessels, transported to Duluth, hauled to St. Paul by rail, and delivered there at a price, quality considered, with which I can not compete from Spring Valley.

Q. (By Mr. PHILLIPS.) How many acres or square miles of coal lands are there in the State of Illinois?—A. I could not answer that.

Q. Is it opened widely apart in widely different sections of the same vein?—A. The vein that we work is continuous throughout the larger part of northern Illinois, south of Spring Valley and La Salle.

Q. How is Streator located?—A. They have the same vein we have. With one exception they are not working the same vein. Only one mine there, I believe, is open on our vein. The coal is continuous from our neighborhood south almost the entire length of the State. There is a very large coal area in that State. I should think at a rough guess that 65 or 75 per cent of the State is underlaid with workable coal.

Q. (By Mr. RATCHFORD.) How is the price of mining arrived at between yourself and the States named which you are competing with?—A. I do not believe I can go back to the origin of it. When I went into Illinois 9 or 10 years ago, in the northern part of the State we had a mining rate which was, I believe, arrived at in some previous interstate convention. I am so informed. In 1894 we met in interstate convention in Columbus and the mining rate for northern Illinois was compared with the rate in Ohio, Indiana, and Pennsylvania on the basis of screened coal. Since that time the basis in Illinois has been changed from screened to run-of-mine coal. In changing it in northern Illinois, which was at that time the basing point for the State, we deducted just the percentage which had been allowed by custom and which experience had taught us was about the percentage of screening produced in mining coal. I think the reduction was 12½ cents per ton, in the neighborhood of 16 or 17 per cent. I am not sure about the percentage. We have remained on run-of-mine coal since 1897, and at the convention in Chicago in January, 1898, while northern Illinois was not made the basing point, but Danville, in the State convention, the differential for northern

Illinois was continued at the same ratio; and while we did not fix the differential in Pittsburg in January of this year for anything except the Danville district in Illinois, the differential was maintained as it had been.

Q. When you speak of your meeting in Pittsburg and Chicago, to whom do you refer?—A. I refer to operators' and miners' representatives from what is known as the four competing States, namely, Illinois, Indiana, Ohio, and Pennsylvania.

Q. Were those relative prices arrived at through such joint conventions mutually?—A. My understanding is that originally this differential for northern Illinois was arrived at in that way, although it was before my time.

Q. They are maintained in that way at the present time?—A. Yes; that is to say, the basing point in Illinois was made the Danville district in the last two interstate conventions. Previous to that it had named two or three different points in Illinois as basing points, but at the last two it only named one, which was Danville, and in our State convention of miners and operators in Illinois we agreed on different prices, which gave northern Illinois exactly the same relative price that we had in previous years.

Q. Are such prices relatively fair and competitive?—A. I find people who will say that the mining prices in Illinois are relatively higher than they are in the other States. I am not prepared to agree with that proposition. I believe that with the same conditions—they may vary and consequently the prices be out of line in certain sections—as a rule the prices to-day are fairly competitive.

Q. Are they voluntarily agreed to by both parties?—A. Yes, and no. Part of them were voluntarily agreed to, and we were obliged to accept the balance of them.

Q. Is the excessive mining price in your locality, as compared with the price that prevails in Pittsburg, due to a smaller vein, or to differences in your state of mining and trade conditions generally?—A. It is due, I think, wholly to a smaller vein and the more expensive mode of mining. I do not think the trade conditions generally affect it, or the higher freight rates especially.

Q. (By Mr. C. J. HARRIS.) Have you any State laws or anything of that kind that interfere with the coal-mining industry that are oppressive, in your opinion?—A. In Illinois we are trying to have a new general mining law passed. I do not know whether we are going to succeed or not. I am a member of the labor bureau there and, I think, the instigator in drafting the measure in which we are trying to put the laws into shape that will be fair to both capital and labor and protect capital as far as possible, and labor as well; life especially.

Q. (By Mr. RATCHFORD.) Are capital and labor both united on that law?—A. The bureau of labor drafted the proposed law and invited the operators and miners of the State to appear before it and offer their suggestions, the idea being to present to the legislature a bill with the approval of the bureau, as well as the miners and operators of the State, so that it might be passed without question. The miners and operators appeared before the board in Chicago and agreed on a bill, which was presented to the legislature, and in two or three particulars, I understand, the miners have had it amended, which I do not think is acting in very good faith, as long as it was understood that the bill which was agreed to by both parties should be approved, with the intention of having it passed as recommended.

Q. (By Mr. PHILLIPS.) What kind of mine inspection have you in Illinois now?—A. We have in that State nine districts and nine State inspectors, one for each district, whose duty it is to examine the mines a certain number of times in each year. In addition to that, any county producing—I am unable to tell you the number of tons, I think the law fixes it, though—has a right to appoint a county inspector, who works under the direction of the State inspector. Our inspection laws are good.

Q. What bureau of the State government is the inspection under?—A. Bureau of labor; they report to the bureau.

Q. (By Representative GARDNER.) Is the bureau of labor an independent bureau or attached to some department of the State?—A. It is an independent bureau.

Q. (By Mr. FARQUHAR.) Created by an independent act of the legislature?—A. I believe so. It is composed of five men, who are expected to represent capital and labor. They elect a secretary.

Q. (By Mr. RATCHFORD.) Have you any legislation in your State treating with the mining industry that has been of mutual advantage to the operators and miners alike, as far as you know?—A. Not lately.

Q. Have you had any that has been injurious to either of those parties?—A. We have had some that, if the courts had not declared them unconstitutional, would have been; such as the weekly pay law which they attempted to pass, and other

laws of that class that the courts held were unconstitutional, as they had no right to prohibit the right of private contract under the constitution of Illinois.

Q. Have you any laws in your State as to screening?—A. There is the gross-weight law which originally was declared unconstitutional on the same ground—that they had no right to prohibit the right of private contracts; and the second law passed was practically the same. The decision is peculiar. There is no law, in my opinion, on the statute books in Illinois that would compel a man to pay for run-of-mine coal unless he wanted to, and I question whether it is in the power of the legislature to pass such a law which the courts will sustain.

Q. Has what the law failed to bring about in the matter of the adoption of the run-of-mine system been effected jointly by your association and the miners' association?—A. No; it was brought about by the miners. They compelled the operators in that State to accept it.

Q. What influence was used as a means of compulsion?—A. Nothing but a strike.

Q. Did the operators have to sign the agreement to mine coal on the run-of-mine basis there?—A. We do now.

Q. Where was that agreement signed, and when?—A. It was signed, I think, locally throughout the State during the latter part of 1897. It was signed as a State matter in Chicago in January, 1898. Previous to that time it was local throughout the State.

Q. Was it renewed at any other later date?—A. Renewed in Pittsburg in January of this year.

Q. Still in force?—A. Yes.

Q. (By Mr. C. J. HARRIS.) Could you use screens if you wished to?—A. We could if the men would agree to it. At present they will not agree to it.

Q. (By Mr. RATCHFORD.) Were the operators forced to sign this contract with the miners, or was it a mutual contract voluntarily signed by both parties?—A. The miners in the strike of 1897 demanded the run-of-mine basis and refused to go to work until they got it. It was not voluntary on a part of a large part of the operators of that State.

Q. Was the agreement made in the Chicago convention following the strike of 1897 virtually a forced agreement, so far as the abolition of screens was concerned?—A. Yes.

Q. Was there also a money price agreed to at that convention?—A. Yes.

Q. Was that also a matter of force?—A. No.

Q. Was there any other part of that agreement which the operators were forced to sign that was objectionable to them?—A. We did sign one that I think the larger part of the operators believed when they did it was a mistake, and that was the 8-hour day.

Q. (By Mr. C. J. HARRIS.) Did they refuse to work unless they had the 8-hour day, or was that a matter of agreement?—A. That was the demand conceded by the operators.

Q. (By Mr. RATCHFORD.) Was that demand made by the strike order of 1897?—A. No.

Q. Was it made in the convention that followed?—A. That was one of the demands of the miners which the operators conceded.

Q. Were the miners of your State with whom you were treating at the time of the Chicago convention fairly well organized, and what percentage of them were organized?—A. I could not answer that question. I do not know. We believed they were.

Q. What was the condition of the miners' organization then as compared to the time the strike of 1897 existed?—A. We had every reason to believe that the strike of 1897 had tended to strengthen the organization in Illinois to a very great extent. Parts of the State which previous to that time it was understood had not been organized were very well organized.

Q. Were you treating with unorganized labor more generally during the strike of 1897 than you were at your Chicago meeting that followed in 1898?—A. Previous to 1897 we were. In 1897 we treated with our men in northern Illinois as organized labor. The State, as a whole, did not. I would like to explain why we use the word "force." If a body of men refuse to work—in other words, go on a strike—making certain demands, which the employer refuses to accede to, and the strike continues for a number of weeks or months, as the case may be, and the condition of his property, the demands of his trade, and perhaps the condition of his bank account are of such a nature that he is obliged to resume work at his mines and accede to terms which he had formerly refused and which he did not believe were just, we would consider that he was forced to do it. That is the sense in which I used the word.

Q. (By Representative GARDNER.) What are the objectionable features of the weekly payment act?—A. We pay the men by the ton and the wages are figured out by the ton. The labor of making up the pay rolls is heavy, and it is scarcely practical to make them up and pay once a week. The weekly pay law provided that within 6 days after the end of the week the men should be paid. At Spring Valley we adopted the semimonthly pay day, believing that the men were entitled to their pay at least twice a month. We pay on Saturday, and it takes usually until Tuesday and sometimes Wednesday of the week in which the pay is made for us to get the pay rolls in readiness so that we can get our money. We are obliged to ship the money in, have to order the money on Thursday, get it in on Friday, and put it in the envelopes and pay on Saturday. It was not practical in a large number of districts to pay men weekly for those reasons.

Q. When does the period end for which you are then paying?—A. The month divides in the middle. We pay for the labor performed from the 1st to the 15th inclusive, and the 16th to the 31st inclusive.

Q. At what date does the money actually reach the men?—A. They receive their pay for the work done between the 1st and 15th on the Saturday nearest the 1st day of the succeeding month. The work done between the 16th and 31st is paid for on the Saturday nearest the 15th of the following month.

Q. So that it is nearly 2 weeks back all the time?—A. Yes.

Q. If the object is simply to make the payment cover the time nearer the day on which it is paid only, would it be material whether it was weekly or semi-weekly if it came down to a nearer date? In other words, is it really the weekly payment, or is it the payment covering more recent labor that the men are after?—A. I believe that it is payment for more recent labor that they want. In addition to the extra labor entailed on the company in making up a pay, there is a loss of time due to frequent payment. It was formerly the custom in a great many places for the men not to work on pay day at all. I do not know what the general custom is to-day. By the way, that was not the case with us, because we only shut down at noon; we worked half a day and lost half a day on pay day. The general custom to-day I am unable to answer for. With us, working 8 hours, we make no difference between pay day and any other. We quit work at half past 3 in the afternoon, and it gives everyone an opportunity to draw his pay. It being understood when the 8-hour day was adopted that it meant 6 days a week work for 8 hours a day, we have adopted that and followed it out. In addition to the time lost on pay day—and I think it is lost in a great many sections yet—it has been the experience, I think, of nearly all coal operators, that they were always short of men on the following Monday. A great many men did not come to work. Some of them, perhaps, had good reasons for staying out, and some of them staid out because they did not feel like working. That is the worst objection—the lost time.

Q. (By Mr. RATCHFORD.) Are you speaking of the present time or the recent past?—A. I an speaking of both.

Q. Have you any cases in mind where you know that the miners will not work on pay day?—A. No; I have not now. I meant in regard to the taking of Monday as well.

Q. Have you any cases in mind where they will not work and force the mines to be idle on the Monday after pay day?—A. There are a good many of my own men who do not come to work on Monday after pay day.

Q. Are your mines idle that day?—A. Oh, no; we run part: we are not able to run full.

Q. What proportion or percentage of your men follow that custom?—A. I could not tell you that.

Q. (By Mr. C. J. HARRIS.) Is not that a general complaint among the coal mines or any other?—A. It is a general complaint; yes.

Q. (By Representative GARDNER.) If the pay day could be made to cover labor performed one week later than it does now and still come semimonthly, that would relieve it of the objection of the frequency of pay day.—A. Yes; but it is not practical in large mines.

Q. Is yours the only locality where the 8-hour day has been established?—A. It is established in mining pretty generally in four States. There are mines in part of the States that are still working 10 hours a day.

Q. Has the 8-hour day gone into effect in your time?—A. Yes.

Q. So that by observation you have seen both?—A. Yes. The demand for the 8-hour day came from the miners, and it was conceded by the operators. I doubted the wisdom of it at the time and I do yet, for this reason: A large percentage of the men employed in the mines are working by the ton, and the man who is working by the day, while nominally he agreed to work and did work for

a while at 80 per cent of the former wage—in certain lines they did that. The result was what we all expected, that in time he would be getting as much for 8 hours as he formerly did for 10; and the outside laborers, I think, are very largely getting as much for 8 hours' labor as they did for 10. They are not underground, as a rule, and the former agreement still stands as to underground day labor. To the day men, in the long run, I believe it is an advantage, but I have been unable to see where it is to the advantage of a man working by the ton to agree to reduce his possible earning capacity 20 per cent.

Q. Has that been the result?—A. It reduces his possible earning capacity 20 per cent, yes. He can not do in 8 hours more than four-fifths the work, speaking in general terms, you understand, that he could in 10.

Q. Do you know what the comparative earnings of the men mining by the ton are under the 10-hour and 8-hour system?—A. We know what the rate per ton is. I am not saying that it has reduced his earnings; I have not said it did reduce his earnings that much, but I am saying that it reduced his possible earning capacity.

Q. (By Mr. RATCHFORD.) Has the output of the miner been reduced 20 per cent?—A. That I can not answer. I think in many sections of the country that the men have mined just as much coal working the 8-hour day as they did in 10, on account of the possible capacity of the mines being a great deal larger than the demand. Take the past March, when we ran our mines as full as the car supply would admit of, and that was almost continuously, and compare it with March of last year, when the conditions were practically the same, except that at one time we were working 8 hours and the other 10. In March of this year we produced about 94,000 tons of coal as against almost 102,000 tons during March of the previous year. We had increased our ability to handle coal at one mine by the addition of a double-decked cage in place of the single decked, which enabled us to hoist 2 cars at a time instead of 1 and gave us an opportunity to get out more coal in a given time than we could before. Whether those men mined more coal I am unable to say, because I do not know the number of men at work in the two different periods.

Q. Had you the 8-hour workday through your State last year?—A. Almost all over the State; there is a part of it working 10 hours yet.

Q. The year previous did you have 10 hours?—A. Yes.

Q. Has the product of your State during the past year been reduced 20 per cent or has it been increased?—A. None of us can answer that definitely because the statistics are not yet in.

Q. Are the advance sheets out?—A. Not for the last year. We do not report in our State until July. The reports cover from July to July in our State. If I answer that from what I believe, I should say that there was more coal produced in Illinois, but it is hardly a fair comparison because in 1897 we were on a strike several months. In a general way, I believe, the trade has been better during the past year than it has been at any time since 1893. The general condition of business has been better, and I think the demands for coal have been better than they have been for several years.

Q. Do you believe the product has been greater?—A. It is only guesswork; I believe it has, yes.

Q. Did the product of your State fall off in 1897, because of that strike, compared with the output of 1896?—A. I can not answer that question.

Q. Did it fall off in all other States, compared with 1896?—A. I can not answer that question. Now, I really believe that the men in Illinois, take them as a whole, during the same months of 1898 and 1899, as against the months they worked in 1897 and 1898, on the 10-hour day, earned better pay, and that has been due to improved trade conditions; but you take it in a large part of that State and the mines were able to produce a great deal more coal than they could find a market for. Capacity has been developed beyond the demands of the business. I think that is generally true of coal mining throughout the competitive States.

Q. (By Mr. PHILLIPS.) If the men work under ground 10 hours per day, would they not be excluded almost wholly from the sunlight?—A. In the winter they are.

Q. Have you observed any effect on the physical condition of the men?—A. I really believe that the 8-hour workday for the miner, if he is willing to reduce his possible earning capacity, is to his advantage—to the advantage of his health—and I do not believe that it is any disadvantage to the producer of coal, and, provided it should be made uniform throughout the country, I would strongly favor it. But it has been local, to the disadvantage of people who are producing coal in competition with districts where they were still paying 10 hours for 10 hours work. It has been to their disadvantage locally; that I do not think can be gainsaid. I honestly believe 8 hours is as long as a man ought to work under ground if he can earn a living wage during that time, and whenever the 8-hour workday

for mining can be made effective throughout the country he can earn just as much money working 8 hours as he did working 10.

Q. You have a strong suspicion that he is aware of that, too, have you not?—A. I never thought of it in that way.

Q. In that connection, have you ever talked to all your men?—A. No; just as I would pick them up indiscriminately, and on the street as I would meet them.

Q. (By Mr. FARQUHAR.) Is this agreement on the 8-hour day an agreement between the coal operators and the miners without State legislation of any kind?—A. There was an 8-hour law passed, I think, in Illinois at one time, but that met with the same objection, I believe, from the supreme court that other legislation of that class has—an attempt to prohibit the right of private contract. This arrangement of the 8-hour day was not brought about by any legislation, but by agreement between the miners and operators.

Q. As to the proportion of labor and capital in the industrial products, what have you to say?—A. I have nothing to say on that subject.

Q. Have you anything to say on the character, extent, and effect of taxation in different States?—A. I have only one thing to say: In Illinois (in certain parts of the State I do not think it is done) they are now attempting to tax mining rights; whether there is any law for it I do not know; we are paying the taxes. We have believed that it is unjust for this reason: We buy the coal underlying a farm. We suppose there is coal there; there may or may not be; you can not always tell; and they attempt to assess a value on that and have us pay taxes on it; I do not think that is fair. The theory is that they will reduce the assessed value of the surface land to the same extent to a like amount, but we do not find that they do. We find that where we own coal under the land the surface is assessed at the same price as the adjoining land owned by a farmer. We do not believe that the assessment of a mining right is a proper assessment. We buy the right to mine the coal. That is, we buy from a farmer that owns, say, 160 acres; we pay him for 160 acres of coal, assuming that he has it there; but we have no right to take that coal out from his property without afterwards buying from him the surface rights necessary.

Q. (By Mr. PHILLIPS.) Do you fix the price for that in making the bargain?—A. No; that is done when we want to use it; we make no bargain for it when we buy the coal.

Q. (By Representative GARDNER.) You do not think the mining right ought to be assessed?—A. No; unless they can prove that the coal is there.

Q. Suppose the mine is opened in the meantime; how are you assessed then?—A. Just the same. If our company owns the mining rights around the mine, we are assessed for the coal there. If we own it 10 miles away where we have never had a drill hole or an opening and may not have one in 50 years, 10 years, or 5 years, and may never be able to find any coal, they still assess us, because the records show we have deeds of the mining rights.

Q. (By Mr. FARQUHAR.) Is the assessment on the general profits?—A. I have tried several times to learn how it was assessed. I went down and asked the State board at Springfield and they could not tell me. It is not uniform throughout the State; it is only done locally.

Q. (By Representative GARDNER.) You do not believe it is right to assess property under the earth that the assessor does not know exists?—A. No.

Q. That is he knows nothing about its value until the mine is opened and the deposit discovered, the value can be nothing more than nominal?—A. That is all.

Q. What is the rule in Illinois as to assessing mines?—A. In our section of the State, in some townships, they assess mining rights where we have simply the deed for the right to mine coal, they assess that at so much an acre. In other sections, in other townships, they do not assess at all. They will assess us for all the personal property we have, the same as assessing any other corporation or individual. They will assess for the machinery we use, for the buildings and for the land we have, for the pit cars, and all the appliances connected with the mine. And we have had assessors who simply put a lump sum, an arbitrary sum, on a certain piece of land because a coal shaft was on it, sometimes very much in excess of any value that should be placed on it as compared with other assessments. Those things the local assessors are to blame for and not the law. In our State, you know, there are no State assessments; it is all made by the local township assessor.

Q. (By Mr. FARQUHAR.) In the State of Illinois does the county board of supervisors correct this assessment, spread it over the property in that district?—A. The former practice was for the assessor to assess values and fix them himself; that is, he was supposed to do it. You take stock and those things; the assessors would meet in the county seat and would say we will assess horses for so much,

and we will assess cows so much, and so on, and then they would go out and make their assessments. And the party owning the property had a right of appeal from the assessor to a town board composed of the supervisor, the town clerk, and the assessor; from that he had a right of appeal to the board of supervisors of the county, from which there was no appeal. The new law went into effect last year, but I am not well enough acquainted with it to explain it, but it changed things materially. The party to be assessed is now supposed to fix the value of his personal property himself and swear to it, and the assessment is to be one-fifth of that.

Q. (By Mr. RATCHFORD.) Have you any suggestions for the modification of such tax methods?—A. Nothing, except that I do not believe it is fair to fix a value for assessment on a piece of property no one can see and that no one is able to say exists.

Q. (By Representative GARDNER.) Are they bought and passed for a consideration?—A. Yes.

Q. (By Mr. RATCHFORD.) What can you say with reference to discrimination in freight rates?—A. I guess the Interstate Commerce Commission is looking after that pretty well nowadays. The interstate-commerce law says that no interstate rates shall be greater for a shorter than for a longer haul, I believe.

Q. Have you anything to complain of in transportation rates?—A. I have a complaint regularly with the railroad company on something; it is a part of our business. I think that the interstate-commerce law in regard to freight rates has been to the advantage of the public generally, certainly to the advantage of the shipper; more to the advantage of the shipper than it has been for the consumer.

Q. Have you any knowledge of discrimination being practiced in transporting the product of the mines?—A. No.

Q. Have you heard it complained of?—A. I hear these complaints, but where we are located we have the only mine located on the Chicago and Northwestern road in Illinois, and we have no one to complain of locally.

Q. (By Representative GARDNER.) No local competitor?—A. Not particularly. Of course at all junction points we meet them, and there it is a matter of agreement either with the railroads as to what the rates shall be, or in case they do not agree they will make us a rate and we must either sell coal based on that rate or stay out of the market. We find the railroads disposed to be fair in that matter and we have no complaint to make about it. The complaint that the coal trade generally is making on freight rates to-day is the low rate made from West Virginia to the Northwest, which is proportionately a very much lower rate than we get in our section of the State. We complain about that, but I do not know any way to regulate it; and we complain to the roads of the rate of freight we are obliged to meet in northern Iowa from local mines in Iowa. Those are things the railroads have to fix the best they can.

Q. (By Mr. RATCHFORD.) Is that complaint as against the freight rates of West Virginia of a general nature? Do the other operators of other States complain of it?—A. I think that is generally complained of; yes. For instance, I am told that the freight rate from certain West Virginia mines to St. Paul, Minn., is $2 a ton. The rate from our mines to St. Paul is $2 a ton.

Q. From northern Illinois?—A. Yes. The general rate from northern Illinois, however, is a dollar and a half. Our rate to St. Paul is 50 cents higher than that of other mines in that part of the State.

Q. What is the reason for that?—A. The coal from Ohio and Pennsylvania has driven us from St. Paul, and we do not care whether the rate is $2 or $5; we can not get it. We have not pressed for a reduction in the rate, because I do not think, unless it was some special case, I could sell coal in St. Paul, anyway.

Q. (By Mr. CONGER.) Is this rate from West Virginia to St. Paul a rail or part water?—A. Yes; in a sense it is an all-rail rate. It is a rate made to a certain point on the eastern shore of Lake Michigan, and the cars are thence transported across the lake on what they call lake ferries; the cars are transported across the lake without breaking bulk and taken up by the railroad and carried through.

Q. Is not this exceedingly low rate from West Virginia probably brought about by being part water transportation?—A. No; I do not think it is.

Q. (By Mr. PHILLIPS.) They give the West Virginia operators lower rates than they do the Hocking Valley or the Pittsburg, in order to reach the lake?—A. No; I am inclined to think that the ferry would only be allowed a fair proportion of that through rate.

Q. Does this rate remain the same winter and summer?—A. I do not think the rates change, although there may be times when they can not transport coal across the lake.

Q. Have you ever heard of any lower rate from West Virginia to, we will say, Lake Erie, and there by vessel to Duluth, than to put it into cars and ship by rail

to St. Paul?—A. I think it has been; yes. That is common talk—that it is done; I have never seen it done myself.

Q. In that competition what fixes the rail rate from West Virginia to the Northwest?—A. I presume that it is an attempt to compete with part rail and part lake freight.

Q. (By Mr. FARQUHAR.) Are you one-third closer to St. Paul than West Virginia is?—A. Oh, yes. Our mines are perhaps 400 miles, in round numbers, from St. Paul.

Q. (By Mr. PHILLIPS.) How far is it from Charleston or Wheeling, W. Va., to your mines?—A. I have to guess at that; it must be 800 miles.

Q. (By Mr. C. J. HARRIS.) About three times the distance it would be from your place?—A. I do not think so, by the route they take. I think, perhaps, 1,000 miles against our 400 would be nearer right.

Q. (By Mr. KENNEDY.) How far are your mines from Chicago?—A. One hundred and four miles. We do not go by lake.

Q. (By Representative GARDNER.) What road takes the West Virginia coal to the lake on this through rate of $2?—A. I can not tell you.

Q. What road takes it west of the lake?—A. The Wisconsin Central is now doing it. I do not know whether there are any others or not.

Q. Would these roads have other coal in large quantities to haul if they did not haul West Virginia coal?—A. I do not know why they could not get a portion of the coal that comes in by lake.

Q. Is it true that if those roads did not haul that coal they would have none, or very little coal, to haul at all, and that the low rate is made in order to get business and enable the companies to compete in that far Western market?—A. I can not answer as to the roads east of the lake.

Q. (By Mr. RATCHFORD.) Is it true that the coal roads entering the State of West Virginia and transporting her product to the lake and to the Northwest also enter the mining fields through the State of Ohio, from which State that product is transported?—A. That is true, with one or two exceptions.

Q. So that they have the product of both States to take to the Northwest?—A. That is the initial road. Shortly after this $2 rate was published I saw the general freight agent of the Wisconsin Central and asked him how they could afford to do it, and he said he had been unable to get the operating department to tell him the difference between the cost of hauling a loaded and an empty car, and that was all he said.

Q. Is discrimination regarded by the coal men as being injurious to the trade?—A. This low rate from West Virginia has injured us very materially.

Q. Would that not also be true of any other State, if it existed?—A. Yes. You take it locally, and, so far as I know, there is very little discrimination between the mines located on the same line of railroad. I think they are usually given for the same class of business about the same rate of freight.

Q. Do you think it tends to disturb the conditions of the trade, prices, and in that way give rise to labor trouble?—A. I do. This low rate from West Virginia does undoubtedly.

Q. (By Representative GARDNER.) Do you think this discrimination is the result of railroad competition in that case?—A. No; I do not. I do not believe there is any other combination they could get up that would pull coal that distance and do it for the money. I have never dealt with roads that would, at least.

Q. Is there anything in the intimation that they have the loaded cars to take back to West Virginia?—A. I can not answer that. I have not been over the roads, and I do not know the condition of their traffic.

Q. (By Mr. PHILLIPS.) What is the cost of mining in northern Iowa, as compared with your section, and the value of the product there?—A. I can not answer that, because I do not know exactly the rates they pay, nor the screen they use. The price they obtain at the mine is usually reported to me by the traveling men, who will say the coal from the Iowa mines at such a point costs so much, and we can not compete, as our prices are higher. It does not bring me down to the actual cost of producing it.

Q. Is it better or worse than the coal you mine?—A. I do not think there is any coal in Iowa that is as good as our northern Illinois coal; but the locality gives them an advantage over us, as their location enables them to get into certain markets against Pittsburg, which has better coal than we have.

Q. (By Mr. RATCHFORD.) What have you to say of concentrations and combinations in your trade and their effects?—A. In a combination of properties, whether mining or manufacturing, the intent is to reduce the cost of management and the general expenses, and, if they can combine a sufficient number of industries, to increase the selling price of their product. Temporarily, at least,

it may be a good thing for capital; temporarily, it might be a good thing for a certain part of the labor; but the tendency is to throw out of work a large number of men who have been keeping books, who have been selling, who have been managing properties, and in very many instances owners of certain properties which were not as productive possibly as others, and throw out workingmen, and I look upon the whole movement as being wrong. I do not believe in it; I do not believe in a trust. I do believe in men in the same line of business getting together and trying to arrange prices so as to get a fair remuneration for the product they have to sell, but I do not believe in a trust. I think it is contrary to our American ideas. It has a tendency to destroy competition and to limit the number of men employed. It is a menace to the country, and I think would be a dangerous one were it not for the fact that the American people have a way, when the proper time comes and things become unbearable, of rising up and facing them and putting them in their proper places. Only for that I would look upon this movement of forming trusts as a danger to the Republic.

Q. (By Mr. PHILLIPS.) Are your coal fields in Illinois in trusts and combinations?—A. No; so far as I know, they are not.

Q. (By Mr. RATCHFORD.) What have you to say on the subject of producing capacity and economic effects of modern machinery?—A. In our work we do not use mining machinery. We have never yet been able to find machinery that we believed was adapted to our particular class of work. I see no reason why it is not to the advantage, in the long run, of not only the producer but the wage-earner, to improve the mining machinery just as it has been in improvements of all machinery in all classes of manufacture; I can not see why it is not to their advantage. Temporarily it undoubtedly gives the operator who has machinery an advantage over the operator who is not possessed of it. I see no reason why under ordinary conditions the man who has not machinery should not put it in and be in position to compete with his neighbor who is progressive. That is perhaps to the disadvantage of the property that I operate, because we are unfortunate in not being able to get machinery. This is as I see it, as I look upon the question.

Q. Do you look upon the advent of machinery in the mining trade as something beneficial to all concerned?—A. I think in the long run, yes, to the large majority.

Q. Are you of the opinion that the prices fixed as between hand and machine labor are relatively fair?—A. I can not answer that question; I never used machinery and I do not know.

Q. When you stated that the man who employs machinery has some advantage over his neighbors who do not, were you speaking of operators?—A. Yes.

Q. If it be a disadvantage to his neighbor in the way of taking any portion of his business of producing coal at a lesser price, is that disadvantage also carried into the miners' side of the question?—A. Yes; it affects both alike. I believe, on the whole, that in mining, where machinery has been introduced, it is in that particular mine to the advantage of the operator and the miner alike, or the men operating the machines. That has been the impression or opinion I have formed in talking with people who are informed on that subject; I am not personally.

Q. Have you any statement to make on overproduction or underconsumption, and their effects?—A. The cause of overproduction is opening too many mines; the cause of underconsumption is because people will not consume it. I can not give you any better answer.

Q. Have you anything further to say on industrial and remedial legislation?—A. I do not believe in employers' liability laws that compel the employer to assume the ordinary hazards of a business. I see no objection to liability in certain cases, but I do not believe in any liability law that would hold an employer liable for an accident which might be due to the neglect of an employee to take the necessary precautions for his protection, or for any accident that might befall him if he was violating either a law of the State or a law or a rule adopted for the government of the men. I do not think the employer ought to be held liable.

I do not believe that laws can be made too stringent for the protection of life. It has been our practice to adopt anything that looked to protection of life or limb. I am in favor of any fair law that will protect life; any law that can be enforced; any legislation they can pass, or anything they could throw around an employee, which will tend to protect life. I believe in it.

I think that the mine inspection laws should be rigid, as we have attempted to make them in our new mining law in Illinois, and that the inspectors should be men thoroughly competent, and men, if it was possible to get them, who were nonpartisan, who were beyond the control of any political party that might for the time being be in power.

I have always favored the employment of a check weighman, not because I believe, under ordinary conditions, miners gain a cent by it, for I do not believe the employers of labor are men who are trying to cheat the employees, but it satisfies the men that they are getting pay for their work, and for that reason I have made it a practice to insist on our men having a check weighman, and when they neglect to hire them, I have gone so far as to say they must furnish a check weighman within a certain number of days or we would close down.

I am inclined to think that children are allowed to go to work too early in life. I think the law of our State says 14 years. I do not believe children should be allowed to go to work in a factory or mine under 16 years of age. I think they should have at least that time to develop mentally and physically, or perhaps a longer time.

I am unable to say anything on the school laws; I am not well enough acquainted with the subject, except this: I believe in the common school, and believe in doing as much as can be done to improve it. No tax that I pay, either personal or for the company, do I pay as willingly as I do the school tax.

I do not believe personally that the run-of-mine law or run-of-mine agreement between a coal producer and employees is a good thing. I look upon the gross-weight law, as it is called—that is, the run-of-mine—as being a premium on bad labor. I have always believed so, and believe so still. I know in my own experience that the better class of our men were better off under a screen rule than they are to-day, where they are paid for run-of-mine coal. On the other hand, I know that the poorer class of workmen and the dishonest workmen are better off under the present law. I believe that in the interest of the better class of workmen, the more intelligent workmen, a screen law, a uniform screen law, throughout the United States, rigidly enforced and maintained, would be to the advantage both of the employer and the intelligent, honest employee.

Q. To what extent would the variation in the nature of the different coal veins operate against the justice of a uniform screen law?—A. I do not think it would work any injustice.

Q. Some of your coal veins are much softer and some harder than others.—A. That does not change the cost at all, because the present run-of-mine rule was based, when it was fixed, upon the percentage of slack that was produced over the screen.

Q. Do you believe in a uniform screen brought about by law, and the price of mining being determined for the coal passing over that screen, based upon the amount that passes through it?—A. I think that is to the interest, not only of the employer, but of the intelligent, honest employee.

Q. (By Mr. CONGER.) Does your belief in a uniform screen law entail a uniform price per ton for mining in all mines?—A. No; that would have to be obtained by finding out the percentage of slack coal that would go through the screen, the thickness of the vein, and everything, just as it is found out now. It would not change the regulating of the price.

Q. It would be affected by the soft and hard conditions of the coal.—A. Yes; just as it is now. We do not operate a company store ourselves. When I went to Spring Valley 9 or 10 years ago, the president of the company, Hon. William L. Scott, now dead, said: "We have a store in Spring Valley, Mr. Dalzell, put in there for the accommodation of our employees." At the time it was put in I understand there were no other stores in town. I think the president said—it may have been the secretary; it was between them, at least: "We do not propose to allow merchants in Spring Valley to make prices on goods, and we are going to run the store in the interest of the employees as far as possible, and we will make the prices on the goods that are sold in Spring Valley," and we did. It ran on until 1894, for the amount of business done there was comparatively at a small margin of profit, and Mr. Taylor, who became president after Mr. Scott's death, said to me: "I think the miners complain so much about company stores that we will sell our store; we will quit; there is no money in it; we are in the coal business; we will close the store; we do not now derive any profit from the store except the rent of the building." It is still run in connection with the company, and the men buy coupon books on the store, if they wish, which are honored just as cash; and twice a month, instead of giving the money to the miner we give it to the storekeeper, and in giving him business the only condition we make is that if we find him charging exorbitant prices we will discontinue the arrangement.

Q. Is the company paid any percentage for honoring those coupons?—A. Not a penny. I think I said that before.

Q. No connection with it?—A. No interest in the store whatever. We own the building; we lease the building to the party, and we give him the cash on pay day instead of giving it to the miner, exactly the number of cents the miner

would have, without any discount of any kind. I think that in a good many localities and under a good many conditions company stores are an advantage. Company stores in some cases are very much to the disadvantage of the miner. Where an employee is coerced into dealing in the store it is wrong, or where he is asked to pay a higher price for his goods than he would be asked to pay at an outside store it is wrong; but where a company store is operated as we operated ours, the men had the privilege of trading there or not, as they pleased. It was to their advantage.

Q. You say an employee was never asked to deal there. If there were no other stores in the town and no other town or stores adjacent to that place, was it necessary?—A. That was only when the property was opened.

Q. Could you state whether the effect of the company store generally is injurious or beneficial, in your judgment?—A. I can not; because there are two classes of employers; I can not divide them. I do not know how many treat their employees fairly in that respect and how many do not. If the stores are operated as they say they are operated in West Virginia, I would say they are very much to the disadvantage, not only of the employee, but of the coal trade generally. If they were operated as in Spring Valley, they are much to his advantage.

Q. Have you anything to say on the laws regulating mediation and arbitration?—A. Yes; I have a very decided opinion on that. If it is possible to get legislation to cover it, I believe it a sensible way to settle differences between capital and labor by means of mediation and arbitration. I do not believe in strikes; I do not believe, as a rule, there is occasion for a strike. I do not think it is a good thing for capital or labor. I think on the whole that both are losers by it, and if the figures could be obtained I think they would prove that strikes, particularly in the coal industry, have been a loss to both parties, take it right through. A strike is a good deal in the nature of a man meeting one on the highway with a club and telling him to stand and deliver. It might have done a hundred years ago, but in this enlightened age a strike means a loss on the investment; on the use of the money and damage to the property on the one hand, and on the other hand the loss of the employees' time, which, when lost, he can never regain; a day lost we never pick up. We are only going to live in this world once and only a short time, and we want to keep busy at what we are doing while we are here; if we don't we never can make up for the lost time. I am inclined to think that even without legislation, capital, at least, and, I hope, labor, have gotten to the point where they should be willing to settle their disputes amicably: if they can not do it among themselves, by arbitration.

Q. Do you prefer voluntary arbitration boards jointly chosen, or by the States, or a compulsory arbitration?—A. I do not believe in compulsory arbitration. I think "A man convinced against his will is of the same opinion still." I have given the subject of arbitration a great deal of attention and I must confess I do not know what the remedy is. I have every law, I think, that has ever been passed in this country on the subject. I do not know what to say is the proper remedy. If a law could be framed that would form a nonpartisan board, permitting of voluntary arbitration or of the selection of boards outside, if they desired, and that would compel the carrying out of the work of the board where both parties had joined in asking for it, it would be a good thing. The difficulty about arbitration to-day is that on the one hand you have capital, which can be compelled to carry out its agreements; on the other hand you have the labor organizations, which you can not compel, as they are not incorporated; and, in order to get them on an equal basis, I believe that a labor organization should be incorporated and have a paid-up capital proportionate to the members of the organization. This does not apply to coal mining alone, but for any class of labor. In other words, that the labor organization which was not incorporated and did not have the paid-up capital required should not be allowed to interfere. I believe that if all labor organizations were compelled, in order to exist, to incorporate and have a paid-up capital, and deposits with the State, either in cash or in bonds, as insurance companies are obliged to put up their securities in the State in which they are operating, they could be sued just as capital can, and it would be a long step in the direction of avoiding strikes. That, with arbitration, should do away with strikes.

Q. (By Representative GARDNER.) What you are getting at is legal responsibility, is it not?—A. Yes.

Q. In view of a general scheme of arbitration, if trade unions were incorporated with sufficient capital to make them responsible, would it not be true, first, that the employer would agree with the labor corporation for employees; second, that the labor corporation, in order to protect its capital, would be compelled to have contracts with its individual members; third, that the labor cor-

poration would be compelled to seek remedies against its members which the employer would seek, if liabilities were equal? Hence (*a*), would not the relation of employer and employee be brought about between the labor corporation and its members; (*b*) would it not become necessary for the labor corporation to be able to compel specific performance by extreme remedies?—A. I think I can answer one of those, that is, the first: I would say, yes. The other questions would be a matter for the labor organizations to decide for themselves, and I would not like to pass upon them. That would be a question for them to decide, not for the employer.

Q. (By Mr. CONGER.) Has it occurred to you that in case the labor organization refused to carry out the award of a court of arbitration, in addition to confiscation of its capital, canceling its charter might be made the penalty?—A. That might be made the penalty as well, and if that was done and there was no organization, the law of necessity would have to be strong enough to prohibit an organization without a capital; then the organization could not afford to refuse to carry out its agreements, because it would not only be liable, as you say, to cancellation of its charter, as any corporation is, but would be liable for the damage either as fixed by the board of arbitration, which might say to the capitalist and to the laborer, if you do not carry it out you will have to be fined so much; or it might be done in the courts.

Q. The forfeiture of the capital stock of the organization, and the possible forfeiture of their charter, in your idea, would bring about more pressure on the members of the organization, which would put them at work following the award of the court?—A. Yes, as it would the capitalist.

Q. (By Mr. PHILLIPS.) To prohibit an organization of men, unless they were capitalized, would a law have to be enacted?—A. Certainly.

Q. Would that be legal?—A. I am not sure that the combination of labor is not as much of a trust as a combination of capital.

Q. (By Mr. KENNEDY.) Is there not an almost insurmountable obstacle in carrying out your suggestion in the fact that the miners, for instance, and other labor people, get such a small wage that they can just barely live on it, and it would be out of the question to form a capital?—A. I hardly think so. While it is only hearsay, I understand that the miners' organization in Illinois has over $50,000 in cash in its treasury.

Q. (By Mr. RATCHFORD.) You are inclined toward the incorporation of trade unions?—A. That was simply a suggestion.

Q. The purpose is to secure the observance of all contracts made with the organizations?—A. By both parties.

Q. Do you suggest also the incorporation of the employers' organization?—A. No; because you have the remedy against the individual employer, who is responsible.

Q. If the employers who met the mine workers in Pittsburg last January saw fit to violate the contract made there, has the miners' organization recourse at law?—A. No; because the miners' organization has no standing in law, as I understand it. They are not an incorporated company.

Q. As individuals, each miner has some redress at least.—A. Certainly.

Q. If the miners' organization had a standing in law and the operators' organization were constituted as at present, would they then have recourse at law?—A. Against individuals they would.

Q. Have individual operators signed this agreement?—Yes; they have.

Q. Does the association of operators that now meets and does business with the miners' association have any more standing in law as an association than the miners?—A. No. But the parties forming that organization have a responsibility which the miners who form the other organization have not.

Q. But has the association of operators?—A. You are working on the wrong line; I have not said that it was the proper thing. I have simply offered a suggestion, and only having offered a suggestion, I would not like to say it was necessary, that causes were sufficient to warrant it, when I have not said it was necessary to do it.

Q. Have you, in your experience as a coal operator, known of the miners' organization, State or national, to voluntarily agree to arbitrate, and reject its terms?—A. No.

Q. Have you known of the operators in any case to do so?—A. I have heard of one case, but there was a dispute by the operators as to the scope of the arbitration; and that was in the Virden district, Illinois, but as I am not informed of the facts, I can not tell you whether that is right or wrong. Those people refused to carry out or abide by the agreemant made in Chicago, and withdrew from our association. When they withdrew they were simply dropped.

Q. Is it pretty well understood in your State by both miners and operators that each party to the Virden dispute voluntarily placed the matter in the hands of the Illinois State Board of Arbitration?—A. I understand they did.

Q. Is it true that that decision was in favor of the miners and that the operators refused to accede?—A. They took exception to the arbitration, in the way it was done. They claimed it did not cover the ground to which they agreed.

Q. When were these exceptions taken; after it was arranged?—A. I can not say.

Q. In speaking of the incorporation of these two great bodies, capital and labor, employed in mining, you suggest that such be done in both cases as a means of forcing respect to all contracts made in every trade?—A. If it was done, that would be the right idea.

Q. Have you ever given any consideration to the difficulty that might be experienced in bringing it about as you suggest—capitalizing labor organizations?—A. I do not know why there should be any particular trouble.

Q. Would not that be one of the insurmountable things?—A. I do not think there would be any trouble at all, if it was the desirable thing to do.

Q. (By Mr. FARQUHAR.) Do you think that arbitration, when made by two parties in interest, operators and employees, is better than arbitration brought before a constituted board of arbitrators, a board ignorant, often, of the technicalities of trades or business?—A. If the State board is a political board, I should not want to submit a case to it, even if I knew I was right.

Q. Could you find a State board of inquiry in the United States to-day that could take up a technical question belonging to labor and give a fair and judicious opinion on the troubles that caused the strike?—A. I do not know. I believe this: If an arrangement to arbitrate legally could be made, it would be preferable to any State arbitration board you could get; each party selecting the arbitrators.

Q. Is it not the usual experience in these arbitrations that one or the other think they are unjustly treated, and when so, it gives occasion for the first outbreak?—A. Well, I presume that would be true; I have had no experience and can not answer that question properly.

Q. (By Mr. RATCHFORD.) Would you care to state whether the miners engaged in the Virden strike, and also in the Pana strike, are fighting for a price arbitrarily fixed by the organization or a price mutually fixed by miners and operators of your State?—A. A little explanation of that, perhaps, would be better. At the time the Illinois Coal Operators' Association was formed, in the fall or winter of 1897, we appointed a committee to take up and fix what we believed to be a fair differential in mining prices for Illinois. For that purpose we divided the State into some nine different districts, and selected men from each district on this committee. They took the matter up and worked over it for a good many days, spent a good deal of time over it, taking into consideration the expense of mining the coal in the different districts, the earning capacity of the mines in the different districts, the relative position in regard to freight rates and market conditions, so as to come as near as possible in fixing a wage scale that would put each operator for each district in a position to compete against the other. As a result of that, the differentials were fixed in the State on the part of the operator. After the interstate convention in Chicago we met the miners in State convention and submitted what we believed to be the fair differentials between the different districts. They appointed a committee; they had, in many instances, different ideas, but the result was, when we were through, that the miners joined with the operators in adopting the differentials which the operators had fixed for the State; the people of the Virden and Pana fields opposing it all the time, and the operators left our association and said they would "paddle their own canoe," to use a homely expression, refusing to pay the price agreed upon between the miners and operators. Those are the facts in the case.

I know nothing of convict-labor laws.

I believe that uniform mining laws, so far as varying conditions would permit, would be proper. It would be a good thing. The conditions in mining in different States might make that an impossibility, requiring in one State what would be objectionable, perhaps, in another.

Q. Have you any suggestions to offer as to legislation?—A. No.

I have a very decided opinion on relations of nonunion labor and rights of liberty of contract. I believe that the employer should be allowed to employ any man he pleases who he thinks is competent to do his work, regardless of whether he is a member of a labor organization or not. I further believe that when a labor organization attempts to say that a man must belong to the organization in order to obtain work, it has exceeded any right that any man or any association of men should assume.

Q. Does the miners' organization, State or national, deny that right by resolution or constitution, or by any of their principles?—A. When I finish the statement, I think you will have the answer you want. I believe that it is wrong for a labor organization to attempt to coerce any man to join the organization contrary to his own free will. I believe that every man in this country should be at liberty to sell his labor at the best price he can obtain, individually, if he prefers doing it that way to doing it collectively. I think whenever a labor organization attempts to compel men to join the organization or force them in any way, that they are then making out of those men slaves, as you [addressing Mr. Gardner] talked about this morning. When you take the liberty of action away from him you convert him back to his original position. We have treated with labor organizations. Perhaps I have not made it clear; I have not said that I did not think a labor organization was a necessity or that it was a good thing of necessity. I believe at times that it is a good thing for both employer and employee—up to a certain point. We have believed that the miners' organization, as now constituted, was a good thing to treat with, and have treated with it as an organization. How long it will remain I am not prepared to say; that is for the miners to say. I favor going into convention, either national or interstate or State, and agreeing with labor, if we can do it, to do certain things and carry them out, and up to that point I think it is the best thing labor and capital can do. When it comes down to a question of meeting in an interstate convention, spending a couple of weeks making your agreements, going home and having a State convention, spending a couple of weeks more trying to agree on things you supposed you had already agreed on, then going home and spending two or three days locally rehashing things you thought you had already agreed upon, interstate and State, it is a question whether there is much gained. One settlement ought to settle it. I do not know the constitution of the United Mine Workers, as I have never seen a copy of it. I understand the sessions are secret. I do not know anything about what they have or have not done. I do know this, that in the State of Illinois—I do not care to say where—operators have told me that men stood at the mouth of their pit and demanded to see the union cards of their employees before they would allow them to go down the shaft to work. Whether that is by the authority of the national or State organization I do not know. I have no means of knowing.

Q. Have you ever requested that a copy of that constitution be sent you?—A. I have not, because I did not suppose I could get it if I did.

Q. Is it a fact that the coal producers at times enter into mutual agreements to maintain a certain price for their product?—A. That is done occasionally, locally but not nationally, and, with the possible exception of Ohio, I think, where they tried to do it, I do not think it has ever been tried by a State. The interests are so diverse and the markets so diverse in any particular State as a rule, with the possible exception of Ohio, that it is almost impossible to do it.

Q. What do you know of the Pittsburg field in that regard?—A. I have heard they talked of it.

Q. Is such an understanding in operation in Danville, Ill.?—A. That is only a few mines in one district. They have there, I understand, one company that sells the coal from that field.

Q. Is such an understanding in operation in almost every mining district mining the same coal and where conditions are equal?—A. Not in Illinois. I do not know how it is in the other States.

Q. You said that such has been the case, at least, in one or two instances, and, in view of that concession, where is the consistency in saying that labor has not an equal right? You say that the laborer should be free to contract individually as he pleases?—A. Certainly, but I believe in each coal operator having the same right.

Q. Has the laborer that right?—A. I do not know how far your organization controls him.

Q. You do not deny that he has that right, however?—A. I do not.

Q. (By Mr. C. J. HARRIS.) If they object to those men going down the shafts, they certainly would not have that right, would they?—A. They would not, in that case.

Q. That is not a common occurrence in your State?—A. I really could not answer that question. I have only heard two or three operators speak about it.

Q. (By Mr. CONGER.) Is that the condition at your mine?—A. No.

Q. (By Mr. PHILLIPS.) In a case where there is no labor organization, and a man employs say 100 to 500 men, how do you arrive at the price; does the company fix it arbitrarily, and the miner agree to what the company fixes?—A. In northern Illinois for a number of years previous to the present, or for a time at

least, while I think nominally there was an organization, I do not believe it had any binding effect or amounted to very much; that was my understanding of it; it was our custom to ask the men to meet us in mass meeting and discuss these matters and make our propositions of what we believed we could pay for a certain time.

Q. When the company fixes the price it can pay, do you consider the individual as contracting, or as accepting the offer made?—A. I think the individual should, if he is going to agree to it for a definite time, be a party to it; if it is only going to be for the time being, and either party can change if they wish, I know of no reason why it should not be proper for the producer to say what he can pay, but if they are going to make an agreement for a year I think both parties should be heard and be parties to the agreement.

Q. (By Mr. RATCHFORD.) If this principle we speak of, the right of men to sell their labor for what they please, and to sell their product for what they please, belongs to each miner and operator alike, how is it possible to maintain those joint relations between the miners and operators of the different States?—A. I do not see that that would change it at all, whether an agreement is made by one man, or a number of men should delegate their authority to make an agreement.

Q. Explain how it would be possible for all the miners of Illinois to meet all the operators of Illinois.—A. I would not suggest anything of that kind. Supposing the miners would instruct their representatives to arrange for a certain wage scale, they would be parties, would they not?

Q. Is it not a fact that if such principles were exercised that it would be impossible for any representative to represent more than himself?—A. I do not know. I am not a member of any labor organization. I may be yet.

Q. In order to maintain joint relations between miners and operators, must there not be uniformity of action at all times?—A. That is true, but the point I made was that when they attempted to say that any man who did not belong to an organization should not work, it was wrong. I think it has been the experience that where less than a majority—very much less than a majority of the miners in a mine—have declared a strike, that all of the men in the mine have quit.

Q. How can such a small minority, which has been referred to, rule the majority?—A. They will hold a meeting and vote a strike, and the rest come out on a strike.

I do not believe in the boycott, nor the blacklist, nor picketing, nor patrolling of property when men are on a strike. I think they are all wrong, whether resorted to by employer or employee. I think a law prohibiting them would be a good thing.

I do not believe in the importation of foreign labor. I believe in a law that forbids the importation of foreign labor. I also believe that our immigration laws, as I understand them, are not properly constituted. I think the law that keeps out the pauper and the criminal is all right, and I believe that is attempted to be done by the present laws. It is all right as far as it goes, but I believe there should be an educational and property qualification before any more people are brought into the United States.

Q. (By Mr. CONGER.) Would you make that property qualification very high?—A. I would make it high enough to prevent the possibility of people coming in here who might become a charge on the State.

Q. (By Mr. KENNEDY.) Would that not practically close foreign immigration?—A. Very well; let it close.

Q. (By Mr. RATCHFORD.) Has any such foreign labor been imported to your State?—A. I do not know.

Q. Has your company imported any?—A. I have been there myself 10 years, and I assure you I never have. I do not know what was done before my time, but I have no reason to believe any were imported before my time.

Q. (By Mr. CONGER.) How about the importation of labor from one State to another?—A. I do not know of any way that can be stopped under the Constitution of the United States. As long as that is the case it is useless for me to express an opinion on it.

Q. (By Mr. PHILLIPS.) Have you imported colored labor, or large bodies of it, in case of strike?—A. No; I never have. I employ a white man or a colored man as he comes along, if I need him, and my superintendent, who does the employing, thinks he is the proper man to do the work. The only thing that we require is that a man, before being employed, must be able to understand the English language.

Q. (By Mr. CONGER.) You insist upon that?—A. I gave that order in 1894. I gave instructions to the superintendent who hires the men that, while we would

continue to employ the non-English speaking men then at work, men who could not understand the English language, that in the future—no difference what the requirements of the company were as to labor—under no circumstances whatever to employ a man who could not speak the English language sufficiently well to understand the orders that were given by the pit boss. That is a positive order. I will say this, that I think, while the superintendent has tried to carry it out, there have been men who got into the mines who could not speak the English language. We require a man to show a card showing he has been given work. They may have gotten in through some one who could speak the English language. I know of no other way in which they could have gotten in.

I know of no reason why, if a laboring man is violating the law, he should not be enjoined under the law the same as a capitalist is. It is a poor law that don't work both ways.

Q. (By Mr. KENNEDY.) Do you think they should be enjoined from committing a wrong somebody else thinks they will commit which they have not made any start toward committing?—A. In the same way as if you thought I was going to take some of your property or encroach on your land. You would enjoin me from moving your fence if you thought I was going to do it. I think the same laws which govern capital in that respect should govern labor. I do not see any reason why it should not.

Q. (By Mr. C. J. HARRIS.) Is there not a mistaken idea on the part of labor as to what an injunction is?—A. Yes; I am inclined to think that a good many laboring men look upon an injunction in an altogether different light from what it is intended to be—from what it means.

Sliding wage scales in mining are not, as a general proposition, practical. They have been adopted in some localities for some particular reasons; for instance, some works being supplied by a mine which the people who own the works open and operate for their own purposes. I understand that in such cases they have at times agreed to pay the miner according to the selling price of the product.

Q. How does that work?—A. I should think it would work to the advantage of the people who were manufacturing the iron, if they were manufacturing iron.

Q. I understood you to say it had been used in the coal business?—A. I said, I think, it is known where a man owning a mill has a coal mine has made such an arrangement, and, unless I am very much mistaken, in the hard-coal regions—I do not want to be understood as giving this as a fact, I am not quite positive about it—but I am under the impression that in the hard-coal regions they have some kind of a sliding scale, but I do not know what it was based on.

Q. Does it cut down to the living wage when times are hard?—A. The man who earns the wage, I think, is the best man to judge as to what is a fair wage to him. I think I prefer to judge as to what is a fair wage for me.

Q. Is there a good deal of variation as to what the living wage is?—A. I guess there is. I believe that a producer of coal can earn more money when he pays a high wage than he can when he pays a low wage, and that if wages for mining coal were uniformly higher throughout the United States, profits would be better.

Q. (By Representative GARDNER.) Why would that be true?—A. My experience, which, of course, is not as extensive as that of some others has been, is that when we pay the highest prices for mining we earn the best profits.

Q. Did you or did you not at that time pay the high prices for mining because the demand was exceptionally good?—A. I presume that is true.

Q. Then were your profits due to the high wage or the exceptionally good demand?—A. If the demand had not been exceptionally good we could not have paid the high wage, and that proves what I said—that when we paid a high wage we made the best profits.

Q. You don't mean to say that if you paid a high wage all the time the general result would follow?—A. No; trade conditions will control prices in spite of anything you can do.

Q. Would it or would it not follow that if by general agreement the wage was raised all over the country that prices would rise too; so that if it resulted in no profit to the miners it would result in no loss?—A. In good times it would; in bad times, I rather doubt it.

Q. (By Mr. CONGER.) What wages do you pay your miners now?—A. Sixty-three cents for run-of-mine coal.

Q. What is the average product of each miner per day; how many tons can he mine?—A. I do not like to answer that question, because there are so many men who are not practical miners. Let me give you an answer in this way: At one time we made a careful estimate of the number of men working in one particular mine—good, bad, and indifferent. We estimated that there would be at all times 10 per cent of those men out of the mines, either sick or on account of a fall, or

for some other reason, and that we should get an average of 2¼ tons of clean lump coal from the men. We were getting that—good men and bad men. The present basis is about 14 per cent less. At present run-of-mine coal would run something over 3 tons per man, about 14½ to 15¼ per cent screenings; so you would have to add that.

Q. (By Representative GARDNER.) How do miners' wages compare with 10 years ago?—A. They are not as good as 10 years ago. Nine years ago, in northern Illinois, we paid 82½ cents in the summer and 90 cents in the winter for mining coal.

Q. Was that run-of-mine or screened?—A. Screened lump coal. That was 86½ cents average for the year.

Q. (By Mr. PHILLIPS.) Why did you pay more in the winter than the summer?—A. There was a better demand for coal. There was no particular reason for it, except we agreed to it.

Q. (By Representative GARDNER.) At the same time I understood you to say that the profits of the manufacturer were less than they were?—A. You did not ask me that question.

Q. You said for the last 10 years you thought they were less than an investment in a good security?—A. I did.

Q. Then competition has brought the profits and wages down together?—A. Yes; profits are down with the wages.

Q. (By Mr. A. L. HARRIS.) What effect does competition have on the price of coal in the markets?—A. My experience is that competition in coal generally is the sharpest competition there is, and that people will sell coal when occasion requires, in competition with each other, at less profits than almost any other commodity.

Q. What effect has that small profit caused by competition have on the pay of the miner if there should be no contract with the miners' organization?—A. I do not know.

Q. Would it have this effect, that the competition would cause the operator to take low contracts and then go back to the miner and ask him to reduce his pay because the margins were so close he could not sell his coal for a higher price?—A. I would not be surprised if it did in many localities.

Q. If all operators have an annual contract throughout the entire country with the miners, would or would not the operators be disposed to cut under each other when they knew the loss was going to come on the operator?—A. They would cut prices just the same, but I do not think they would cut to the extent they would if they thought they could coerce their workingmen into accepting less wages.

Q. Has or has not this close competition been the cause largely in the reduction of the wage of the miner?—A. No, I think not. I think the competition was just as sharp 8 or 9 years ago as it is to-day. I say "to-day," while trade conditions are better for the moment than they have been for a number of years, and of course competition is not quite so strong when trade conditions are so good.

Q. (By Representative GARDNER.) Is there much difference in the consumption of soft coal at different parts of the year?—A. Yes; more soft coal is consumed in the winter than in the summer, although it does not follow that there is more mined in the winter than in the summer. I think the people in the Ohio and Pennsylvania districts mine more in the summer, because they ship it by lake, while we who ship it by rail mine it as we need it.

Q. Is it not most always true of the retail market that coal is half a dollar cheaper in summer than winter?—A. I know nothing of the retail market.

Q. (By Mr. FARQUHAR.) Will you answer whether the prices of coal are or are not regulated by competition and not by combination?—A. Regulated by competition. In certain localities they may regulate the price by agreement, but the general price is regulated by competition.

Q. (By Representative GARDNER.) Could or could not the price be as well regulated by a number of individual operators signing an agreement as it could by the formation of a trust, so-called?—A. Locally?

Q. Yes.—A. Combinations could; yes.

Q. What reasons are there why organizations and agreements could not regulate prices as well as trusts, in all cases?—A. We have tried a little experiment in agreeing among ourselves at times as to what we would sell coal for, and we found that a reasonable price could be obtained temporarily, but as soon as there was a slacking in the demand some fellow quietly slipped out and, in order to get advantage, cut the price, and demoralization was the result.

Q. Is the reason why operators can not combine to regulate prices as well as a trust can regulate them because of the inherent dishonesty of the men—they will not keep an agreement?—A. I do not know any other reason. With reference to

colored labor, I know of no reason why a colored man, being a citizen of the United States, should not be entitled to every consideration as a workingman that is accorded to his white brother, whether he is a citizen or not.

Q. (By Mr. PHILLIPS.) In your State are there many colored laborers employed in the mining industry?—A. There are some in different sections of the State. I should say, as a rough guess, that we have 50 colored employees out of perhaps 1,600 or 1,800. We hire them as they come and go, just as any other class of people.

Q. They work with the other miners, side by side?—A. Yes.

Q. What per cent, would you think, of the total in the State is colored labor?—A. I have no means of knowing that.

Q. Are there any mines wholly worked by colored miners?—A. I do not know of any in Illinois. I am very much in favor of public libraries and reading rooms. I think they are a good thing and should be encouraged.

Q. (By Mr. CONGER.) How many hours a day do your men work now?—A. Our under-ground labor works 8 hours, and the majority of the outside labor—blacksmiths, carpenters, etc.—work 10 hours. They do, generally, I think. It is necessary to do certain work after the mines have closed for the day in order to have it ready for the next day. Miners' tools must be sharpened and repairs are to be made.

Q. (By Mr. RATCHFORD.) You stated, I believe, that there were a great number of your miners who were not experienced men, practical men?—A. They were not raised in the business.

Q. Do you think that has a tendency to reduce the standard of wages?—A. I do not think so. It has a tendency to reduce the earning capacity of the average man. It reduces the average for the total number of men mining.

Q. Does it require a greater length of time for a miner to be experienced in mining your coal vein than other veins?—A. I do not believe it does. They do not use any explosives at all. Still, I find this—that the men who have been raised in long wall work do better work than men who have been in room and pillar work, raised in it, and are called good miners in that work; that the men raised in long wall work will make a better tonnage than those who have not.

Q. Is that not also true of the man who has been raised in the room and pillar work?—A. Yes; I think that is true. I have had but a limited experience in the actual mining of coal on the room and pillar system. For a great many years that I was in the coal business I did not have anything to do with the mines. I simply took care of the selling of the coal, shipping, and transportation, and did not come in contact with the other.

Q. Could you state whether or not the mining in your field will require a month or 6 months' or a year's longer experience to learn the peculiar nature of that mining than elsewhere?—A. I can not. I have not had the experience in the other work.

Q. You have claimed, however, that the low standard of workmanship stands in the way of giving a fair average as to the wages of all?—A. That is true.

Q. The testimony has been given before this commission at a previous time that a coal miner is made in 2 or 3 weeks' experience.—A. That might be true in room and pilar work; I do not know.

Q. If that is true in room and pillar work, you are not able to state whether it requires a greater or less experience in your vein. How, then, does that affect the standard of wages?—A. I do not know whether it is true in room and pillar work.

STATE OF ILLINOIS, *County of Bureau:*

I swear that the statements made by me of my own knowledge in the foregoing report of my testimony before the Industrial Commission are true, and that all other statements I believe to be true.

S. M. DALZELL.

Sworn and subscribed before me this 21st day of August, 1899.

CHAS. W. KNAPP,
Notary Public.

WASHINGTON, D. C., *April 14, 1899.*

TESTIMONY OF MR. THOMAS W. DAVIS,

Vice-President of the United Mine Workers of America.

The commission met at 10.30 a. m., Vice-Chairman Phillips presiding. Mr. Thomas W. Davis, of Indianapolis, Ind., appeared at 4.20 p. m. and testified. The topical plan of inquiry on mining was followed.

Q. (By Mr. C. J. HARRIS.) What is your official position?—A. Vice-president of the United Mine Workers of America.

Q. What was your original field of work in the mining business? What district are you most familiar with?—A. I am pretty familiar with the mining conditions of what is known as the central competitive district, as well, possibly, as the anthracite district of Pennsylvania.

Q. Where were you before you became an officer of this organization?—A. Before I became an officer of the United Mine Workers of America and previous organizations of which I have been an officer, I was a miner in the anthracite region of Pennsylvania.

Q. What have you to say regarding the constitutions of trade unions, their general tenor and import?—A. I desire to confine myself to the miners' organizations, and possibly at this time to the United Mine Workers of America, unless in the way of general information there may be some reason to mention past connections with other organizations. I presume that the constitution of our organization has been handed to the commission. I think you have; that and the regulations of the trade are embodied practically in the agreements that exist, and which have been recently reaffirmed in the Pittsburg convention, and I presume the commission is also in possession of that document; if not, it can be very readily put in the possession of the commission.

Q. In regard to the growth of your trade union, we have had testimony from your officers; so you could just speak generally on that point, if you wish.—A. In a general way, I think that our organization dates with practically the balance of them, along toward the year 1868. Especially is that true of the anthracite miners. There were, I believe, organizations at times previous to that, but it was in 1868 when the anthracite miners established what is known as the Workingmen's Benevolent Association, which for 5 or 6 or 7 years exerted considerable influence among what is known as the lower and central anthracite miners. After that, along, I think, in 1869, an attempt was made to establish a national organization. It was more or less successful in the States of Illinois, Indiana, Ohio, and the Pittsburg district of western Pennsylvania. That for a time flourished, had a considerable membership, but eventually passed out of existence. That was succeeded by another effort which practically followed the same lines and practically covered the same territory, possibly not as extensively as the first one. Then there was another attempt in 1883, or 1884, I think, to form what was called the American Federation of Miners. That was not more extensive in its jurisdiction than the previous organizations. In 1886 preliminary steps were made under the Knights of Labor to establish a national district of miners. That was more or less successful in Alabama, and portions of Tennessee, some portions of Kentucky, as far west, I think, as Wyoming, including possibly the States of Ohio, Indiana, Illinois, Missouri, and Kansas, with a scattered membership through the entire State of Pennsylvania, or at least through the mining regions of Pennsylvania. In 1889, I think it was, we attempted to form from the old American Federation of Miners and National Trade Assembly 135, the rival miners' organization at that time, a national organization called the National Progressive Union, and that met with more or less success, but in—possibly I am getting my dates a little wrong—in 1890 or 1890, the present organization was formed by the unification of National Trades Assembly 135, Knights of Labor, and the National Progressive Union. That is the basis of the present national organization of miners.

Q. Is there any national organization that has a larger membership than you have now?—A. No, there has been no national organization. While perhaps the membership was more scattered, I do not know whether our membership is as extensive at this time as to States as it has been under the National District, but our organization in membership is much stronger at the present time than were both organizations previous to the present one.

Q. Are you in favor of the incorporation of the trade unions?—A. I have not given that question as much consideration as I would like to. In fact, organiza-

tions have for some years, among the miners, been rather an unsettled quantity, and my efforts have been directed to building up the organization among the miners. I have not thought so much about the legal phases; I have not thought so much of legislation unless we ran up against some adverse legislation—something that had been enacted that prevented us from bringing around a certain condition or a certain end—and I have not, as I said before, paid possibly as much attention to the question of legislative enactment as a great many of my colleagues have. I have believed more in the effort of the trade-unionists to regulate their own affairs than I have in the question of legislation. As an abstract proposition, perhaps, I can not see why they should not be incorporated.

Q. Can you see any special benefits that would arise?—A. Possibly there would be some advantages by giving them a legal standing.

Q. What are your relations as a trade union to nonunion labor, and the right of liberty of contract?—A. While I do not know that you might call it antagonistic exactly, yet it is well known that all the labor organizations use their influence to organize all unorganized people in their trade or calling. I know we do it. We employ a force of organizers for the purpose of disseminating the principles of our organization—its aims and its objects—among the unorganized miners of the country.

Q. Will you go so far as to advise organized members refusing to work with unorganized laborers?—A. Not exactly; not along that line exactly. We go so far, of course, as to use every argument we can possibly use to advance the cause of organization. We try by every fair means at least to have all nonunion men join the organization. In times of strike we use every means within our power legitimately to induce nonunion men to become union men.

I do not understand what is meant by the liberty of contract in your question.

Q. (By Mr. FARQUHAR.) Do you surrender any of your liberties when you join a trade union?—A. No; I do not understand it so; but this is the reason why I asked this question as to the liberty of contract: I do not know how it is with others, but I know in the coal-mining business we are frequently asked to sign a contract for certain things. In this contract the conditions have been prescribed by the employer. I believe that such a contract is now in existence in what is known as the William P. De Armit mines in Pennsylvania, and other contracts have been published from time to time in the United Mine Workers' Journal from employers in Iowa and, I believe, in other sections of the country. I have never regarded such as a fair contract at all, because of the conditions surrounding it. For instance, employment was made conditional upon the applicant for employment signing this contract. His alternative was refusal to be employed. Possibly his circumstances are of such a character that he must have employment at once. Rather than have no employment, taking his chances of getting on farther and seeking employment, he signs the contract. He has not been a party to the provisions of the contract, has been unable to stipulate any of the conditions it has, but as a choice between tramping in search of employment and signing that contract, he signs it. We consider that an unfair contract. Our organization so regards it.

Q. (By Mr. KENNEDY.) Did you go into the miners' union with the idea that you should make or have made for you a more advantageous contract than you could make as an individual miner?—A. Yes.

Q. There is no doubt in your mind but what you have succeeded in that respect?—A. That is right.

Q. Are you at perfect liberty at any time to walk out of that miners' union and work for an operator who would offer you 10 cents or 5 cents a bushel or a ton less than you work for as a member of the miners' union?—A. Yes.

Q. So it seems your liberty is in no way curtailed?—A. No way curtailed.

Q. Is your trade union ever ordered not to work where nonunion laborers are employed?—A. Not that I know of; nothing in our constitution to that effect.

Q. Is it a practice that ever obtains anywhere, in your experience?—A. As I said before, if there are nonunion men in the mines, the union men will do all in their power to unionize them. I have not seen that power fail where the majority of them are union men.

Q. In case they can not persuade them otherwise do they resort to this or not?—A. I have not known of such a case as that. Perhaps there is one explanation for that, now, that will clear up that ground more or less. Our contract stipulates that certain provisions shall be observed between the operators and the miners. Sometimes a check-weigh fund covers the business, and every man working in that mine is supposed to contribute a certain portion of his earnings for organization purposes. That unionizes every man in the mine, and it is the same with the trouble you are trying to get at.

Q. Unskilled labor, organized and unorganized; have you anything to say on that?—A. No, unless I say, as a general proposition, we try to organize skilled and unskilled labor in our trade; but I do not suppose coal mining is classed as skilled labor, though it will take as much skill to perform it in a proper way as it does any other labor.

Q. What, in your experience, are the several causes leading up to strikes?—A. My experience has been that strikes are either defensive ones against reductions or what the operators term an offensive, aggressive strike for an increase of wages and better conditions of employment. These three heads, I believe, cover in a large measure the causes leading up to general strikes. There are, perhaps, other questions in a local way that cause the local strikes, such as screens, and whether the mine is properly ventilated, and so on—many little questions of difference that arise between individual operators and their miners, which cause more or less friction between them, and result in a strike; but I do not regard them as general.

Q. (By Representative GARDNER.) What have you to say of the general results of strikes in your experience? Are they beneficial to the workers, the consumers, and the operators?—A. The strike question appears to be a large one. If you would take the history of the strike of 1897, you would find a general average of a loss of 78 days' work. Considered from that standpoint it would be considered an economic loss. But when you consider it from the competitive standpoint, then it is not such a serious loss for this reason: Take the figures in the four competing States known among the miners as the central competing district, and we find that the loss of time has only been anywhere from 1 to 13 days as compared with the year 1896, when there was no strike. Now that is the position. Take, for instance, the State of Ohio, and I think that our mine inspector's report gives the working days, in 1896, 156—I may not be quoting the exact figures, because I am quoting from memory and have not the figures exactly at my hand—and, in 1897, 144 working days in the year. The difference, then, between 144 and 156 is only 12 days, and there can be only 12 days' loss ascribed to the strike; yet our strike was 72 or 78 days in that State. Indiana, on the other hand, increased its working days in 1897, as compared with 1896, 1 working-day; yet Indiana, in the block coal field, was 72 days idle, and in the bituminous field they were 72 days idle. And as to Illinois, I think 184 were the working-days in 1896, and 185 in 1897, but this should be taken into account as regards 1896 and 1897 in Illinois: The statistical year in Illinois, as I understand it, ends some time about the 30th of June. Our strike in 1897 was not declared until the 4th day of July, 1897, and it will take the statistics of 1898 to arrive at a comparative understanding of the conditions in Illinois between 1897 and 1898, in order to get at the proper strike statistics. As the statistics are at present compiled, Illinois shows an increased tonnage for the year 1897—that is, the statistical year—over 1896, and yet the former was the year we had the strike. Now, judging from that standpoint, neither miners nor operators lost very much money by reason of the strike. There was simply a change of time of shipment. Here is a fact that perhaps is overlooked in mining statistics: In the year 1897 we produced 200,221,765 tons; the average time worked was 174 days. If we can produce that tonnage in 174 days, and if we were working every working-day in the year—dropping the 52 Sundays out and the 7 legal holidays would give us 306 working-days; basing, then, the possible production on the actual time worked, we can produce in these United States about 370,000,000 tons, and we have never yet found a market for more than 212,000,000 tons, which is the aggregate production of 1898, while in 1897, as I said before, it was 200,221,675 tons in the aggregate.

Q. (By Mr. PHILLIPS.) That is bituminous coal?—A. No; that is the whole of it. Now, coming to the anthracite, it shows up this way, the anthracite in 1897 only worked 150 days. They produced in that 150 days a little over 52,000,000 tons of coal. Less than one-half of the working-days of that section of the country were worked, and they produced a little over 52,000,000 tons in that time. It is very evident that they could produce a tonnage equal to about 100,000,000 or 110,000,000 tons. That is the position of the anthracite coal trade.

Q. (By Representative GARDNER.) Are you acquainted with the manner in which statistics of loss by strikes are generally made up by the various bureaus of the States or the National Government?—A. Yes; I know what they claim to be the systems.

Q. Is it true that, as a rule, the statistician, in estimating loss by strikes, takes the time that the works were idle in consequence and computes the wages of the men for that period, together with the loss to capital for idleness in that time and adds the two together and states that as the loss caused by the strike?—A. Yes; that is the way of it.

Q. And under the view which you have been giving as to the coal mining, it is

true, is it not, that that method of computation as to the results on the laborer is entirely inaccurate?—A. Yes.

Q. That those idle days are replaced by days of labor that would otherwise be idle days?—A. Yes. Let me say something a little further now. It is my business as a national officer to become acquainted with the facts of the coal mining business not only in the anthracite but every place where there is mining done, though I am sorry to say I can not reach that degree of perfection in connection with these things that I would like to reach. I am only doing the best I can. I am a student of the conditions of the mining craft, however.

Q. (By Mr. PHILLIPS.) Has your experience been chiefly in the bituminous or anthracite?—A. The last 12 years in the bituminous. I was born and raised in the anthracite and bear the marks upon my person of that coal; consequently I know something about it. As man and boy, I have worked up there for 16 years, and I have mined coal from Missouri to northeastern Pennsylvania.

Q. (By Mr. FARQUHAR.) You were just making a statement in respect to this loss of wages?—A. I think that Commissioner Gardner's definition of the way the statisticians get at it is correct, and I do not think that it is the proper solution. I think it is simply, in our business, transferring the working time from one time to another, and the shipment from one season to another. I have tried to make that plain, because those strike statistics come up very frequently to the front as great economic losses; and they would be if it was a question of steady employment, but it is not. The miners have not averaged more than 204 days from 1890 to 1893; these 4 years from 1894 down to 1897, the time has been about 100. I do not know whether it is 78 or 87. I can not remember really what are the figures, the average working time for the miner.

(By Representative GARDNER.) Did the same result reach the operator as the miner in that respect; did he make good the time lost by the strike in shipping before the year was out just as much coal as he would have shipped if there had been no strike at all?—A. Yes; I think that that is true, generally speaking. The year 1898, just closed, is the greatest in the history of this country in coal production. The next greatest is the year 1897; the total of 1897 was greater than in any year in our history previous to that, and yet we had the greatest strike in our history among coal miners in that year.

Q. Do you know whether or not it might not be very injurious to the operator by loss of trade, owing to his inability to fulfill his contracts; that is, the forfeiture of contracts in consequence of the strike and inability to get the coal at the proper time?—A. That is a feature of the business that of course I am not in a position to judge of so as to answer positively. I have an idea that there may be embarrassments caused to operators by reason of that fact. If the commission had time, I would like to illustrate something in connection with the transferring of our tonnage from what I regard as its natural market under ordinary conditions to another market under the extraordinary conditions of a strike.

Q. You mean a different market, or the same market at a different period?—A. A different market. I will use the strike of 1897 as my illustration. The central region of Pennsylvania ordinarily ships to the city of Buffalo, N. Y., and it is transported, I suppose, to the markets of the Northwest. In 3 weeks after our strike was inaugurated, the papers proclaimed the fact that the cities of Chicago, St. Louis, Cleveland, and other cities were fast becoming depleted of their coal stocks and that unless relief came from some place the industries would have to close down. In 5 weeks after that, the coal papers devoted to the coal trade said that the situation was less alarming and that the famine was not so stringent, etc. The miners expected success upon their ability to create a coal famine. That was their hope of success. At that time it was a subject of inquiry with me from where the stringency had been relieved in 5 weeks, when it was so acute in 3 weeks, and I found that a shipment that under ordinary conditions was going to Buffalo and there transported to the Northwest, was being diverted down to relieve the stringency along the lake ports and to Cleveland, etc. The same condition was true of St. Louis, where they diverted the shipments from Missouri and from Kansas and Iowa down in that direction to relieve the stringency there. West Virginia and Kentucky coal came in and relieved the stringency in Chicago. This was the condition, and consequently after 5 or 6 weeks of strike there was less stringency in the markets that properly belonged to the central competitive district than there was in 3 weeks, and it was due to that fact I have tried to point out to you—the possibility of production in this country as compared with its consumptive needs.

(The commission adjourned until Saturday, April 15, 1899, at 10 o'clock, at which time the commission again met and continued the examination of Mr. T. W. Davis.)

As to the boycott, so far as we are concerned we have only had, to my knowledge, one boycott in the coal business. Its results have been, in my estimation, rather indefinite. There seems to be a great deal of trouble to establish an effective boycott on nonunion coal. The points of distribution are so far removed from the scene of production and the inability, possibly, to follow the production around and establish an effective boycott has rather made it, in our estimation, a questionable proceeding. Possibly a considerable tonnage may have been diverted from its usual market or from the market, possibly, that it could have obtained, were it not that there was a boycott on that coal by the organization.

Q. You found the boycott ineffective, did you?—A. Possibly our efforts were not continued sufficiently long along those lines to establish its efficiency or inefficiency. That is about all I have to say on the boycott.

Q. What do you think of the principle of the boycott?—A. I think that the boycott is a severe weapon, myself, and should be used only in extreme cases and where every other method has failed. I justify it when every other reasonable method has failed to secure audience and redress from employers.

Q. (By Mr. KENNEDY.) In view of the fact that the courts have invariably held that the boycott, when put in operation, was a conspiracy against those whom it was intended to affect, and the fact that the courts will undoubtedly follow precedents set already, do you think it is advisable for labor unions to countenance the boycott at all?—A. I do not think it advisable for labor unions to defy the law; I do not think they can afford to do it; but if there is such a way of constructing a boycott so as to keep within the law, then in such extreme cases, where every reasonable method is refused, I would be in favor of it; but if it is a question between violation of law or the endurance of a wrong until the law can be remedied, I would rather endure the wrong than violate the law.

Q. (By Mr. FARQUHAR.) You mean by that that to have a boycott within the terms of the law would be directly ineffective?—A. Well, possibly, as the law is constructed at present; but it would be effective if it were possible to construct a law that would allow a boycott. I do not know whether that is a possibility or not. I am not up on this legally.

Q. (By Mr. C. J. HARRIS.) Do you find blacklisting is prevalent at all?—A. I have had no personal knowledge of or experience with that. It has been told to me, however, that miners are compelled frequently to move from one community to another by reason of being blacklisted for what is known in general parlance as their unionism. I think that is frequently charged against operators of West Virginia in particular; and down in the Indian Nation, at present, our organization has a strike; the original cause of that is the refusal of employers to allow union miners to work in their mines. There may be other causes, but that is the principal and, as I said, the original.

Q. What can you say of the boycott, picketing, or patrolling, and other methods of influencing results?—A. When my organization is on a strike, it uses all the means it can to influence results. We think that our ability to shut off the supply of coal entirely is the successful method.

Q. (By Representative GARDNER.) Then you do picket?—A. Yes; send out men to influence others.

Q. (By Mr. C. J. HARRIS.) What are your methods? Just describe them.—A. I think it is facts you want. I have never done, personally, any picketing. I understand that picketing is where men attempting to work are reasoned with and influenced not to do that, because it is an injury to their fellow-miners.

Q. What methods of persuasion do you use?—A. Language.

Q. Abusive or conciliatory?—A. Conciliatory.

Q. When conciliation does not work do you resort to abuse?—A. I do not think they do; there might be extreme cases of that kind.

Q. Is it not apt to run into violence, from your experience?—A. Not in a general sense. There may be some cases of violence where passions become aroused and possibly supersede reason.

Q. In your anxiety for success is it not your candid opinion that sometimes a thing goes too far?—A. Possibly there may be cases where we may exceed what would be called good judgment,

Q. (By Mr. KENNEDY.) You have not said just what picketing means. Do you mean you send committees to meet incoming miners and talk with them before they have a chance to go to the mines, and also meet those who have already been at the mines?—A. That is my understanding of picketing.

Q. And patrolling is turning out on the highway to show your strength and make demonstrations?—A. Possibly.

Q. (By Mr. PHILLIPS.) To place men out around the works?—A. I should say our organization has no constitutional provisions nor rules nor regulations cover-

ing that matter. It is simply a question of legal expediency. Take the case of Virden, for instance. Our miners were to meet these people that came in and try to influence them to return to their homes again. That, in that sense, is picketing and patrolling.

Q. (By Mr. FARQUHAR.) Did not your organization in Illinois take these miners who intended to take the places of the Illinois miners to Springfield, and talk with them there and advise them to go home?—A. Yes; they chartered a train and sent them back—those that were willing to go; sent them back to Birmingham, Ala. After they kept them a day or two in the room there at Springfield they chartered a train and returned 50 or 60 people at the expense of the miners.

Q. (By Mr. C. J. HARRIS.) The rest that would not go home—what methods or means did you use with them?—A. I do not know what we did with them.

Q. Were you there?—A. No.

Q. There was violence somewhere?—A. Not with them.

Q. What have you to say about sympathetic strikes; do you think they are advisable?—A. It would depend upon conditions. On the general proposition, possibly it would be questionable whether sympathetic strikes are advisable or not; under certain conditions they may be.

Q. Would it not have the effect of arousing public sentiment against labor unions for men who are well treated, having no complaints, to throw the public into confusion with a strike, simply because somebody else is striking and in trouble?—A. That would depend, it appears to me, upon the public's knowledge of conditions leading up to the strike. Take our great strike of 1897, when the slogan was "A living wage for a fair day's work." The public outside the labor organizations were largely in sympathy with the object of that strike. The condition of the miners had become so poor, the wages had been reduced to such a low amount, that it was almost impossible for the miner to obtain for himself and family the necessities of life. These conditions the American people were made aware of. Statistics were produced showing the amount of earnings, etc., that the miners received for their labor, and public opinion favorable to the miners was created, and everybody insisted that the miner should be paid a fair day's pay for his labor. In some communities the citizens got together and passed resolutions that they were in favor, if it was necessary, and if the miners could obtain it, of an advanced price on the selling price of coal, in order that the miners might obtain for their labor a living wage, and so on.

Q. (By Mr. FARQUHAR.) In what district did this strike first start?—A. The strike order probably affected four States—three States and the western district of Pennsylvania, what is known as the Pittsburg district. And in talking of Pennsylvania in connection with our strike we will bear in mind that I always refer to what is known as the Pittsburg district, and not to the State at large; practically the counties of Allegheny and Washington, in that State.

Q. (By Mr. KENNEDY.) You believe, I suppose, as most workingmen, in the old motto, "The injury of one is the concern of all, and the interest of one is the interest of all," in organization of labor?—A. In a general way, yes; I do believe that. I do not think it would be a good policy to injure all, however, for the one.

Q. If the most of the unions in the American Federation of Labor and the railroad unions were to go on a strike on a certain day for the 8-hour workday, for instance, do you believe miners would be apt to go on a sympathetic strike with them if they were asked to?—A. I do not think that would be a question of legislation. If the American Federation of Labor had determined upon it, and it would be legislated by that body, we, being affiliated with it, in case we were not working 8 hours a day, would feel obliged, of course, to observe its enactments in that direction. I presume that would be true of the affiliated organizations of that body. It would be a practical legislation of the convention that would determine upon that, I presume.

Q. You have the 8-hour workday?—A. Yes. Possibly in that condition it would be foolishness for us to strike for something we were enjoying.

Q. Supposing the railroad wanted the coal to carry on their business, you would be furnishing the weapons to the enemy; they would perhaps, under circumstances of that kind, ask you to strike in sympathy with them. That is my idea of a sympathetic strike.—A. I do not know what we might do in a case of that kind. That would be a matter for the legislation of our convention.

Q. (By Mr. C. J. HARRIS.) Is it your idea that that would be a reasonable mode of procedure? What might be proper in the coal mining 8-hour day might not be so reasonable in other lines of labor.—A. Possibly that might be so, but I think 8 hours of labor reasonable in our class of labor. There are probably additional reasons why miners should obtain it over a great many other workmen, by reason

of the greater amount of work, or rather the disadvantages of their occupation, as compared with a great many other occupations.

Q. (By Mr. PHILLIPS.) What are those disadvantages?—A. Possibly their working places, impurities of the air they are frequently compelled to breathe, and the great physical strain caused by reason of the hardships of the work.

Q. Does being shut out of the sunlight have any effect on their situation?—A. Naturally would. Sunlight and pure air are conducive to health.

Q. Do you observe from your experience as a miner that ill effects result from the causes that you name—lack of sunlight and impurities of air?—A. I have observed among miners in the anthracite region of Pennsylvania there are diseases such as miners' asthma. Hundreds of miners become afflicted with it at a very early age, some of them as young as 30 years, and possibly younger than that; others, men of strong constitutions, endure mining for a longer period of time.

Q. What effect does that disease have upon the constitution; is it similar to the ordinary asthma?—A. Similar disease; for instance, the difficulties of breathing are similar. It has been known to result very similarly to tuberculosis or consumption. Some men endure it for a number of years; others pass away very rapidly with it.

Q. It really proves fatal, does it, in a great many cases?—A. Yes. It is a very prevalent disease up in that section, and was more so among the older classes of miners than with the present class, for the reason that the mine-inspection laws have resulted in an improvement in the ventilating systems of the mines.

Q. Is there any disease peculiar to the mining of bituminous coal?—A. No; except, perhaps, the same disease, but not in as acute and as extensive form. There is more or less disease in the mining of coal in both the anthracite and bituminous regions, but in the bituminous regions my experience is that miners are not as readily used up and exhausted physically as in the anthracite.

Q. What is the effect on the eyesight, being shut out from the sunlight, if any?—A. I do not know. I am not sufficiently posted on that. I have not paid any attention to that phase of it.

Q. Do you find they are affected especially by the use of artificial light?—A. The miners who have been working with the safety lamp claim it injures their eyes. I have not had a great deal of experience with the safety lamp; in fact, I have never used a safety lamp other than to test my working place. I never worked by the safety lamp alone. All miners claim, where they have been for years using the safety lamp, that it does affect their eyes injuriously.

Q. The chief effect you think is upon the lungs in both instances?—A. Yes.

Q. (By Representative GARDNER.) Do you know any statistics from which these facts could be gathered?—A. No; I do not know particularly, and yet it appears to me that the Medical Review, possibly the year 1894, had an article along these lines, as to the injurious effects upon the health of the miners—continuous occupation of the mines.

Q. (By Mr. FARQUHAR.) What is the average of the working years of the miner?—A. I am unable to answer.

Q. If a boy goes into the mine at 16, how long, ordinarily, will he stand mining continuously?—A. I do not know; perhaps I would better give you my own experience. I went in as a boy of 8½ years, and I worked in the mines, I think, about 25 or 26 years, and I was beginning to feel the effects on my breathing apparatus very much. I have known, however, other boys who possibly went in the mines as young as I, and they are still there, and are physically, so far as I am able to judge, all right. There are others I have known as boys, who started in with me, who are now dead as a result of the disease that I have mentioned. I presume in that, possibly, as in other businesses, it is largely a question of constitution.

Q. What proportion of old men are there in the mines as miners?—A. I do not know.

Q. (By Mr. C. J. HARRIS.) In regard to importation of foreign labor, is there much of that now?—A. No; I do not think there is. I am not in favor of any of it.

Q. Is there not a possibility that as much injury can be done by importation of labor from one State to another as by the importation of labor from foreign countries?—A. My supposition of the immigration law is this: That it was built for the purpose of protecting our home labor as against foreign labor. We have, as laboring men, considered that a reasonable proposition. Is there not a probability that it is just as reasonable to protect our citizens against other citizens? I am only asking this myself as a question that perhaps somebody will be able to define to my satisfaction at some time. As to free coming together of our own citizens

between the States, I think it is right and proper; but here, as it was in the case of Illinois, our laws prevented those people from going across the water or to any other foreign country and contracting for labor to come here, yet they could go to Alabama and contract for labor of that State to come to Illinois. That was not free intercourse between American citizens; it was a contract intercourse, and it had the same result or effect exactly as if the labor had been contracted for in a foreign country. The question in my mind is whether, if we have a right to prohibit the importation of contract labor from other countries, we have not the same right to prohibit contract labor between the States? My own opinion is that certainly the intercourse between the States has the right to be governed in a general way. We do not prohibit people coming to this country who are coming here seeking employment in the ordinary way, of their own volition. Our national laws do not do that, but our national laws say that they shall not be contracted for to come here. It is a question of liberty, which I look at in this way: If a man comes from Alabama and goes to Pennsylvania or down to Illinois of his own volition to secure work there, all well and good; but if to defeat certain parties, or to bring around a certain condition, the employers there, through agents or directly, go to Pennsylvania or to Alabama and by reason of misrepresentation, etc., contract with these people to come down, I think that they should be prohibited.

Q. (By Representative GARDNER.) Leaving the legal question out, you advocate, if possible, the passage of an anticontract interstate law?—A. Yes.

Q. (By Mr. PHILLIPS.) Whether individually or collectively?—A. Individually or collectively, if it is a contract.

Q. (By Mr. C. J. HARRIS.) What has been your experience with conciliation, mediation, and arbitration?—A. My experience with these methods has been confined exclusively to my connection with my organization. The constitution of the organization provides three methods for adjusting difficulties—conciliation, arbitration, and strikes. We offer to conciliate the conditions that may arise between our employers and us. We think it a reasonable, humane, and proper method of doing business. In case we can not conciliate, our next movement is to arbitrate, and, where both of them are refused or are failures, we think we are justified in strikes.

Q. Do you find employers as a general thing ready to discuss matters with you?—A. As a general thing, especially when the joint-movement methods are in vogue, yes; aside from such seasons as that, no. Usually, when there is a way to put it, they want to prescribe conditions of employment and all the other conditions and provisions about the mine, prices, etc.

Q. Do you bring in State boards of arbitration to any extent, or do you rely upon boards of arbitration picked out by yourselves?—A. We adopt both methods. My own preference is for boards selected by ourselves.

Q. Are you in favor of compulsory arbitration?—A. Under certain conditions, yes. I think that where the trouble involves a large number of people, outside of the people directly interested, that there should be some way of compelling parties to submit that difference to arbitration; and, as a point in view, let me give one illustration: Some time ago, during the great strike of the American Railway Union and the Pullman people, Mr. Pullman said emphatically that there was nothing to arbitrate. His opposition involved a great many people. The position of the Railway Union was that they were ready to arbitrate, wanted to arbitrate. I think if there had been at that time some way of reaching Mr. Pullman and compelling arbitration, that it would have been a public benefit. I have not paid enough attention to the question of compulsory arbitration to recite instance after instance where possibly such conditions would be favorable, but it appears to me that there was, in that instance at least, something deficient, when a man could not hold out against the demands made upon him in that way.

Q. Suppose we had compulsory arbitration, and they decided upon a certain amount of wages. The laborer could accept it or not, as he pleased. He could go somewhere else to work, and would not really be compelled to work at that price.—A. I presume if it had been established by arbitration that all parties to it—that is, reasonable people—would agree. I have not known of a single instance where our people, as miners, have not been obedient to the decrees of arbitration. We may at times feel possibly we have been worsted in the deal, but we have acquiesced.

Q. In that case the operators could be held, being financially responsible, and your trade union, if it was incorporated and had capital, could be held by the courts?—A. Perhaps; I do not know.

Q. (By Representative GARDNER.) Would you favor compulsory methods of enforcing the arbitration upon men?—A. Where the conditions would justify

compulsory arbitration it appears to me that compulsory enforcement would be also included.

Q. (By Mr. PHILLIPS.) How could you compel a man to work?—A. I do not know; that would be rather hard; possibly a penalty would have to be prescribed by the people who made the law on these lines.

Q. (By Mr. C. J. HARRIS.) Have you any objection to the use of injunctions by the courts in case of strikes? If so, state them to the commission.—A. Yes; I have objection to the injunction in case of strikes; at least, I have this objection: I have an objection to the courts curtailing my rights and privileges as an American citizen. Let me give you an illustraton of how the injunction affected me personally. I went into the State of Maryland during the great strike of 1894, to the town of Frostburg. My object in going in there was to address a miners' meeting. I was going to explain to them the objects of the strike and what we could expect to gain by it. The meeting, however, did not materialize, and I was going from Frostburg to Lonaconing and to the depot for the purpose of taking the train there, when an official walked in with an injunction which he read to me, saying that I must not interfere with the working of the Consolidated Coal Mining Company's plant, and so on, and restraining me from interfering. I did not know where the plant was; did not know a thing about it. I had not made, at that time, a talk to the miners; had not met more than half a dozen people, miners, though I am free to admit it was my intention, had there been a meeting of the miners, to talk at that meeting.

Q. (By Representative GARDNER.) Do you know whether that was an injunction issued by the State or United States court?—A. I think it was by a county court. I was to appear, I think, in 30 days, in some place, and show reasons and causes why I should not be enjoined. However, I did not appear.

Q. (By Mr. C. J. HARRIS.) What is your idea of the best method of payment?—A. I think our organization, up to the present time, has been pretty well satisfied in establishing the semimonthly pay. We have not asked in our contracts beyond that, though our preamble specifies that one of our objects will be to secure weekly pay days. Up until a few years ago we were only getting monthly pays, and the fact that we now have a semimonthly pay may be a cause for our present satisfaction.

Q. Do you think pay every 2 weeks is pay often enough for anyone?—A. I think a man should have his pay every week.

Q. Why not every day, every hour?—A. It would be a good thing, possibly, to have it every day.

Q. Is there not such a thing as carrying the point too far?—A. Possibly, under the contract system, the number of tons constituting a day's work might be hard to compute by the hour; might be put on the number of tons earned during the day and paid at night. I do not think it would work any additional hardships on our friends, the employers, if they were to pay weekly. You will understand that even under the semimonthly pay there is 10 days to 2 weeks' time held in their hands. They brought the same arguments to bear against the semimonthly pay as were tried here yesterday against the weekly pay—that it was expensive, impracticable, and that the men did not need it, etc., and yet they have been able to do it; it has given entire satisfaction; and possibly the best argument made in favor of the weekly pay is the fact that a man who has his money weekly has the advantage of having that money in his possession and is able to buy in the cheapest cash market, whereas, kept out of his money a greater length of time than that, he is frequently compelled to buy on the credit system, and by reason of that loses the advantage of cash markets.

Q. It has been alleged that the less frequently the payments are made the more apt men are to save up their salaries and the less apt they are to spend in drink a large portion of their wages, and as a consequence lose perhaps the following Monday or Tuesday. Is there anything in that argument, to your mind?—A. No.

Q. Absolutely nothing?—A. No. There may be isolated cases here and there where such is the fact, but I have regarded it in this way: That if a workingman were to spend his entire earnings in drink he would not have much to spend. I do not approve, however, of a man spending his money in drink, but if he were to spend his entire earnings in drink he would not spend a sum exceeding $300 or $400 a year. Possibly the average expenditure per man would not exceed that, because our earnings do not exceed that. There are not earnings enough to be very elaborate in dissipation. This idea of mine workers being dissipated men is disproved at once by the amount of their earnings, and possibly the best way to get at the average miner's earnings is from Parker's Report, of the Geological Survey. He is very elaborate on that question.

Let me turn back now on that matter. Possibly the greatest opposition to the

semimonthly pay and to the weekly pay arises largely from this fact: That most of the employers have stores in connection with their mines, and I believe it is some advantage to the employers to make their pays as infrequent as possible, in order that the employees might be compelled—not perhaps as a mandate, but as an indirect method of obtaining what money is going to the employees, by reason of that fact.

Q. Your work in the mines is nearly all paid for by the ton?—A. Yes.

Q. Have you anything to say of the sliding wage scale in coal mining?—A. Not a great deal, only this: That the tendency that I have observed in the sliding wage scale has always been downward. In the anthracite region they do work at the present time on what is known as a sliding scale. Possibly if the conditions at the present time were the same as when the sliding scale was established there could not be very much objection to it. I will give you the conditions in that connection: When this sliding scale was agreed upon, in 1868, I think, it was fixed on the selling price of coal at certain points. The base was fixed in the Schuylkill region, at $3 a ton for coal at Schuylkill Haven, and in case of any difference from that base the miner was to secure his proportionate share of it, the operator his share, and the railroad its share. And if it decreased from that rate, the result was distributed in the same way. The miners at that time were organized and were allowed representation on this board that determined the average prices. The divisions were made along these lines: If it was a 25 cents advance, the miner got 8½ cents, the operator got 8½ cents, and the railway company 8½ cents. This was the agreement between the transporting companies, the operators, and the miners. Since that time the miners have been denied representation on that board. Since the great strike in 1875, when the miners were whipped and the organization was dissolved, the miners have had no representation upon it, and the prices are fixed entirely by the employers, the men saying that they are not fixed honestly. They are fixed entirely by the employers. We contend that in a question of wages we have a right to be heard; that we have a right to representation upon any board that fixes our wages.

Q. What have you to say of fines and penalties for turning out bad coal, docking, and things of that kind? If a man turns out a carload that is two-thirds slack, fine coal, not mined in a workmanlike manner, is there much trouble from that?—A. Yes; there is considerable docking going on; considerable friction between miners and operators as to these docking questions. Provisions are made for it, even among the miners, in a local way. The position of the organization is this, that they insist that miners shall load as clean coal as possible.

Q. In regard to tenements about the mines, are these generally owned by the companies?—A. Yes.

Q. Have you any special remarks to make on that point?—A. I have a general condemnation to offer for the homes provided by the coal companies for their miners. I have a general protest to offer against the amount of rent that they collect for these homes. Some mining communities have fair homes. Possibly the best miners' homes that I know of are to be found in the anthracite region of Pennsylvania.

Q. Could you expect to find as good homes in temporary mining camps as you could in cities and villages and towns that depend upon a variety of employment and work?—A. The word "temporary" is hardly applicable. Most mines have a life of 25, 30, 45, or 50 years, and some of them longer, and I think the man who builds a house, knowing that his coal supply is going to last that length of time, ought to build a comfortable house for his employee to live in. For instance, take the State of West Virginia; a majority of the houses are of two or three rooms—an upright board, with a clapboard put over the crack. There are no conveniences in the houses; no cupboards are provided; nothing but the bare walls. Whatever shelving the miners need, whatever cupboards they need, they must either buy or improvise in some way. Many of their homes have not proper outbuildings; have not the proper facilities for water; have no conveniences at all around them. Sanitation is never thought of. All those conditions which enter so largely into the comforts of life are never once thought of, and yet these people are expected to pay what I regard as a very exorbitant rent for such houses as that.

Q. Did it ever occur to you that the cabin you have described and the surrounding circumstances not only are true of the coal miners but of all the people in that mountain country, from West Virginia to northern Alabama and Georgia?—A. My experience in West Virginia has been largely among the miners, more largely than any other class of citizens. I believe it is true of the mountaineers that their homes are of the most crude sort. The miners are worse housed than the people who do employment of other kinds where there are little

towns built. They are worse than that. I do not think the comparison is as fair between the mountaineers and the miners as between the miners and other classes of labor.

Q. What rent do they pay for these houses?—A. They pay all the way from $2.50 to $6 and $8 a month. I believe the general rent rate is $2 a room. I think that is the general rule followed in collecting rent. Two dollars a room possibly would not be objected to so much by the miners if they had houses that had some of the characteristics of some houses in towns; if they were properly built and plastered, and had little cupboards built to give them some of the conveniences; proper outhouses and conveniences around; things that enter largely into the comfortable conditions of life. But all these things are in most cases wanting. Take it along New River, West Virginia, and possibly other places. Let me say for West Virginia, in Tucker County, under the Davis Coal and Coke Company, there is a very fair class of houses. They are two-story houses, four and five rooms, and the rent is, I think, for a five-room house $10 a month, four-room house $8 a month. These are not cabins in any sense of the word. They are very fair houses, weatherboarded on the outside, nicely ceiled on the inside—not plastered, but ceiled—and make a very fair class of houses. Aside from that exception, I have never seen in West Virginia what I regarded as comfortable mining homes.

Q. (By Mr. KENNEDY.) Is that the company that Senator Elkins is interested in?—A. I do not know whether the Senator is interested in it or not. His father-in-law is—Henry G. Davis.

Q. (By Mr. A. L. HARRIS.) Are there any gardens or tilling privileges connected with the miners' houses?—A. I think not. I am not positive about that. It seems to me that the topography of the country is entirely against the gardening idea; it is right up on top of the Allegheny Mountains, and these houses I have reference to are strung out at the base of the mountain for a distance of a mile or a mile and a half—from Coketon to Thomas. Thomas is a mining town, built up on the side of a mountain. I did not see any gardens there. These matters of tenements are matters in which I feel considerable interest, and if this commission can devise any way or means to provide these miners with comfortable homes, I would be glad to know it was done.

Q. (By Mr. C. J. HARRIS.) What of the relative conditions of wages from the beginning of your acquaintance with mining to the present time; has there been a change for better or worse?—A. From 1865 to 1868 there was a continual downward tendency. In 1868 the labor organizations began to be formed, and they began to interpose their influence against any further reductions, and for a number of years there has been a gradual tendency, influenced by the organizations, to a better rate. Our struggle, however, has been largely to maintain those better rates against a continual tendency in our business to seek a lower level.

Q. On the whole, is it better, then?—A. No; I do not think that would be a proper definition of it. I am not prepared to say as to the conditions, only from 1872 or 1870. The conditions from 1870 until 1894 were better than they have been from 1894 to the present time.

Q. How about the social condition; has that improved in your recollection?—A. I am hardly prepared to answer that. Let me say as to the educational facilities that they have varied according to the communities, systems, etc. In some mining communities, where there are a large number of people—towns and villages—the educational facilities are what I would term very fair. A boy or girl who can go through their schools comes out of them with a very fair common-school education. But there are mining communities in this country where the school term does not exceed 6 months in the year. That would be a very poor school facility, in my opinion, where there was only 6 months or less, possibly, of school provided in a year for the children. I think that that is a condition more frequently met in the South than in the East or West.

Q. (By Mr. KENNEDY.) Has there been a noticeable decrease of intemperance among miners in your time?—A. I have never found that miners were more intemperate than any other people, and, as for increase or decrease of intemperance, the question has never come up.

Q. I did not mean to insinuate that they have been.—A. We want to get plain on that question. As to the question of intemperance, I do not know whether it has increased or decreased; can not tell you.

Q. If you had noticed a decrease it would indicate an improvement in social conditions?—A. I have tried to explain my ideas on dissipation among miners.

Q. In regard to employment?—A. In our business there has been an increase of employees, I believe, as compared with the increase in tonnage. There is an increase, you know, every year in our tonnage, and possibly the percentage of increase of employees will exceed the percentage of tonnage increase. I am only

lving that as a general opinion. I have not studied the statistics carefully on hat subject. There seems to be quite a number of people that have no employ- ient in our trade certain months in the year.

Q. Do you believe in the employment of children in the mines?—A. No children ould be employed in the mines.

Q. Are they employed to a harmful extent, do you think, at present, or is that a natter which has been regulated already?—A. In some of the States—in Ohio, I hink, for instance—a boy must be 14 years of age before he goes into the mines. do not know whether that is a law in the other States or not, but I do know that n the anthracite regions of Pennsylvania when I was a boy there were some very mall boys in the mines. I myself went into the mines at 8½ years of age, and here were plenty of boys as young as I was. You can see at once that it was an njustice to the boy who was compelled to go into the mines at that early period f life. It prevented him from acquiring the physical and mental development hat he was entitled to. Boys are not sent into the mines now, as a rule, as young s they were before, and they should not be sent in. Some say that they should o in at 14, others at 16. My opinion is that a boy 18 years of age is young enough o work in the mines. If it were possible at all, my idea is that no boy should work t any calling until he had graduated at least from some of our common high chools. That is my idea of education; and if it is possible, follow up that with nigher education. A boy or girl should be educated to the full extent of the parents' ability. Anything short of that is a great injustice to them.

Q. (By Mr. PHILLIPS.) Is it not more at the desire of the parents than of the employer that the children are employed?—A. This is a fact; that the conditions n which many families find themselves, the inability of the father to earn sufficient money to maintain the family, compels him to take his boy with him in order that the boy may assist in the breadwinning for the family.

Q. Then they are not sought so much by the employers as by the parents?—A. I do not know how that may be in other occupations, but there are some occupations that boys can do in the mines and employers are very ready to get them to do it, because of the cheaper wage rate paid a boy; but I think in most cases that the fact is due to the inability of the breadwinner to get enough money to maintain his family as he would like to maintain them, and the boy is compelled to assist in that way.

Q. (By Mr. C. J. HARRIS.) What are the causes of irregularity of employment in mining?—A. The principal cause of irregularity of employment in mining is overproduction, or underconsumption possibly—the market requirements of coal.

Q. Any Sunday labor?—A. Not as a general rule. It is an unusual case—where there is something that must be done.

Q. What have you to say of the shorter workday and its effects?—A. I think I said that we were unable, by reason of the recentness of the establishment of the shorter workday, to get at a fair knowledge of its effects from the statistical standard. However, I said last year we had increased our tonnage about 12,000,000 tons. It is very evident to me that we did not suffer very largely by reason of the institution of the shorter workday.

Q. Cooperation, premium sharing, industrial copartnership—ever have any experience with these?—A. No.

Q. (By Mr. RATCHFORD.) Possibly you may be able to give us direct information in regard to screens, because of your general knowledge of mining conditions throughout the United States.—A. Screens are as various as the conditions of mining.

Q. Do you regard the screening system as a beneficial one?—A. No. The organization has practically declared against screens—has always declared in favor of the mine-run system of weighing. We think that the mine-run system is the fairest and that it ought not to be a question in the pay of a miner as to whether the coal would go over a three-quarter screen, or inch screen, or inch and a quarter, or 3 inches; that that is a matter of preparing for the market, a matter that the operator himself should be interested in. However, the conditions confronting us at various times have been of such a character that we have waived that principle and have agreed with our employers on a double standard. In other words, we have agreed to accept pay for screened coal and for mine run, but it was because it appeared to us the only thing to do in order to establish our contracts with our employers and to make our agreements with them. We were waiving certain things we considered we were entitled to and it was right we should have in order that certain other things might be obtained.

Q. How about the unorganized men of your trade; have they expressed themselves by action or otherwise in favor of or against it?—A. I have never known

a miners' meeting where the question of payment for coal came up that the miners were not unanimously in favor of the mine-run system, without respect to organization or unorganization. They demand the mine-run system at all times. In fact, it is one of the universal demands of the craft.

Q. (By Mr. C. J. HARRIS.) Have you anything to say on convict labor?—A. Outside, I think, of one State we are not very much troubled with convict labor in our particular business as miners; however, as a trade unionist, and as a man who believes it as a matter of principle, I do not believe that the production of the convict should come into competition with the production of the free man. It has a demoralizing tendency on the markets that practically belong to the free people.

Q. (By Mr. PHILLIPS.) About what per cent of colored people are engaged in the mining industry?—A. I do not know; possibly 10 or 15. Our organization does not draw the line on colored people.

Q. (By Mr. C. J. HARRIS.) What is the effect of the use of machinery in mining?—A. I am going back to the Geological Survey Report, which offers possibly the best solution for this question. The effect has been on the one hand to reduce the number of employees in the mines. The object, I believe, in introducing machinery was to increase profits and lessen the probabilities of strike. I think possibly these were the two objects. Whether they have lessened the possibility of strikes or not I do not know, but they have cheapened the production. The benefits they expected to get, so Mr. Parker says, from the introduction of machinery have not been realized because of the cheapness of the production; in other words, the consumer has had the benefit, and not the operator, while it is possible the introduction of machinery has displaced everywhere from 30 to 50 per cent of the employees. I am only giving you this as a rough estimate.

Q. (By Mr. KENNEDY.) Can you state in what year that report was made by the Geological Survey?—A. 1897.

Q. By Mr. C. J. HARRIS.) Has the machinery used in coal mining been improved much since it was started?—A. Yes; there has been an improvement. I think the chain machine is an improvement over the old punching machine, as we called it.

Q. Some improvements being made all the while?—A. Yes.

Q. (By Mr. RATCHFORD.) If the machinery displaces labor, how is it possible that the increased number of miners, as compared with last year, is greater than the increased production, as compared with last year or any former year?—A. I do not know. I do not think I made that as a positive statement. I said I thought that the percentage of increase of employees was greater than the percentage of increased tonnage. It appears to me that possibly if we could base it entirely on the pick mining it might not be; but the fact that the machinery comes in, displacing the pick miner, makes as against the total production and the total number of miners. The increase would be greater. Possibly that is the explanation I should have given. I think that the question of foreign markets is largely one of cost. If we can get into the foreign markets cheaper than our competitors, then the foreign markets will come to us. If they can beat us they will take them. That is, in a general way, my idea of foreign markets, if the commission intends by this question of foreign markets to refer to foreign countries.

Q. Can you say anything as to the relative cost of producing a ton of coal in the various coal-producing countries?—A. No; I can not at this time; but it appears to me that that table can be obtained by the commission from the report I have frequently quoted—Parker's Geological Report.

Q. You would regard it as a good thing for the mining industry to extend these markets if possible?—A. Certainly; anything that would tend to increase the consumption of coal is a good thing.

Q. What have you to say as to industrial and remedial legislation?—A. I do not know as to the employers' liability law. I think most of the legislatures provide in some manner for such an emergency. As to the sanitary and personal-safety law, so far as our business is concerned they are usually placed under the various State departments of mining and come under the supervision of the mine inspecting force. Check-weighman laws, I think, in most of the coal-mining States are provided for. I am not positive of that statement. I think it is true of the States of Kentucky, Indiana, Illinois, Ohio, Pennsylvania, Iowa, Missouri, and Kansas. Aside from that, possibly, I would waive any opinion in the matter.

Laws regulating the employment of children are rather difficult laws because the conditions of the family, etc., enter largely into it. I do not think myself, as a general proposition, that any boy should be employed in the mines until he has reached the years of 16 or 18.

Q. As to sanitation and personal safety laws, the ventilation laws would come under that.—A. I presume that is what is meant there—ventilation laws. I think the States of Pennsylvania and Illinois lead in that principle.

Q. What has been the general effect of these laws within your recollection? Are greater precautions taken for the protection of the miners and for the ventilation of the mines to-day than some time past?—A. Yes.

Q. The laws have brought about an improvement in that particular, have they?—A. Yes; there is a vast difference between the ventilation of the mines at the present time and that which was formerly in effect, when I was a boy. At that time the old furnace, perhaps, if there was anything outside of natural ventilation, was the means. At the present time we have the fan and other improved methods of ventilation, which I, as a boy, did not see; and, on the whole, there has been a great improvement in this direction, due, of course, to the mine-inspection laws of the various States.

Q. Have you any suggestions to offer for remedial legislation?—A. I stated before the commission yesterday, in effect, that what the law did not enable me to obtain the power of the organization can obtain. I do not know that I am so particular for legislation, unless it would be to further strengthen and support the action of the organization. We got the 8-hour law, not through legislation, but the power of the organization and the methods adopted. In that connection, possibly, it might strengthen our position to have legislative enactments. There are, I believe, some State enactments, some national enactments, along these lines. Every sentiment, however, of all the labor organizations, as well as ours, is in favor of the 8-hour day. They have been unable, up to the present time, to secure that legislation which appears to me necessary to get the full extent and scope that the old custom of labor had.

Q. (By Mr. PHILLIPS.) What States have the best laws for the mining industry?—A. I am unable to say that. All the States have some good features and good laws, and possibly the best way to learn that would be to devote some time to the question of laws and study the various laws of the several States and make a synopsis.

Q. Has not the condition of the miner been vastly improved by State legislation?—A. Yes.

Q. What about sanitation?—A. The system of State inspection has done wonders to improve the sanitary conditions of the mines. Most of the States provide for mine inspection, and the inspectors see that there shall be a sufficient air current to remove the impurities and gases that accumulate by reason of the consumption of powder and all the excretion of the people in the mines. These things contribute to the better sanitary condition of the mines.

Q. (By Mr. RATCHFORD.) I would like to ask the witness whether or not the regulation of trade affairs, such as have been enumerated, the questions of differences between employers and employees, should be accomplished as far as possible by their trade organizations, without intervention; would it lead to the best results?—A. I think it would. I think that if there are differences between me and another man and we get together to settle those differences, it is a very satisfactory way of doing it. Collectively we are only an aggregation of individuals, and if it is good for a couple of individuals to do so, it appears to me that it would be a good plan for the aggregate to follow. I know that it is the method that our organization believes in—that it is a good way to settle our difficulties.

Q. In other words, you believe that agreements voluntarily and mutually made between the interested parties are the best kind of agreements, inasmuch as neither party is forced to accept them against his will?—A. Yes.

STATE OF INDIANA, *County of Marion:*

I swear that the statements made by me of my own knowledge in the foregoing report of my testimony before the Industrial Commission are true, and that all other statements I believe to be true.

THOS. W. DAVIS.

Sworn and subscribed before me this 22d day of July, 1899.

JAMES STEVENSON,
Notary Public.

My commission expires August 4, 1901.

WASHINGTON, D. C., *April 15, 1899.*

TESTIMONY OF MR. BENJAMIN JAMES,

Member of the National Executive Board, United Mine Workers of America.

The commission met at 10.30 a. m., Vice-Chairman Phillips presiding. Mr. Benjamin James, of Jeanesville, Luzerne County, Pa., was introduced at 2 p. m., and testified with reference particularly to the conditions of coal-mine labor in the anthracite region of Pennsylvania, the topical plan of inquiry on mining being followed.

Q. (By Mr. RATCHFORD.) How long have you been connected officially with the miners' organization?—A. I have been connected officially with them since December, 1897.

Q. What were you engaged in prior to that time?—A. Prior to that time I was engaged at my occupation as a miner, and have been mining since that time. In fact, I was actively engaged as a miner up to the 6th of January of this year. That was the last day I worked in the mines. I left the mines at that time to attend the annual convention of the united mine workers. At that convention I was elected as a member of the national executive board of the organization, and I resigned when I returned to my home.

Q. (By Mr. PHILLIPS.) Of what nationality are you?—A. I am Welsh; I was born in Wales.

Q. At what time did you come to this country and how old were you?—A. I came to this country some time in the 70s when a very small child. I was born on the 8d day of December, 1867.

Q. (By Mr. RATCHFORD.) Have you mined coal in the anthracite region during your whole career as a coal miner?—A. No; not during my whole career. I mined coal in the State of Iowa; in fact, that was where I first entered the mines. I was then about 12 years old. In Iowa I mined coal until the spring of 1886, I think, or, in other words, about 6 years. In the anthracite region I have been actively engaged as a miner and mine laborer for 9 years.

Q. Take up the plan of inquiry and discuss the points you care to talk of.—A. The growth of trade unionism, I would say, has been very slow in the anthracite, but at the present time there is more than a normal desire on the part of the unorganized workmen there to affiliate with the organization of their craft. The proportion of total employees in the organization is small.

Q. (By Mr. PHILLIPS.) About what per cent?—A. That I am not prepared to state positively. I would not like to make any statement here that I would not be certain of.

Q. About how many are engaged in mining the anthracite coal?—A. In and around the mines in the year 1897, which is the last that we have a full account of, there were 149,557, if I am not mistaken, according to the mine inspector's report of that year. The report of 1898 has not been printed as yet.

Q. Can you give a guess of the approximate number belonging to your organization in that region?—A. I can not, as the anthracite is divided into so many fields; and there are portions of the anthracite that I have never been in.

Q. About when was the first organization of your union formed in the anthracite field?—A. I should judge about 1894, probably 1895. The organization in the Lehigh region was formed in 1897, a few of the branches being formed prior to the Lattimer trouble, and some of them after that time. The local branches in the Wyoming field were formed in the latter part of 1897 and in 1898, while the Lackawanna Valley, Scranton and vicinity, were not organized, or no attempts were made to organize them, practically speaking, until a short time ago, when I went in there.

Q. This present year?—A. Yes; in the month of March.

Q. Does quite a large per cent of the miners go into the organizations when they are first formed?—A. Yes; in the localities with which I am acquainted.

Q. Is there quite a large per cent of your miners that have not joined it?—A. Yes; there are quite a number.

Q. Do the miners generally approve of it that are not members?—A. They do. They all approve of organized efforts. Even those that are not members acknowledge that the only way that they can receive justice at the hands of their employers is by organizing. There are many who will not join the organization of their craft, for reasons best known to themselves. Probably one of the chief reasons is that some of them are shown favors; they have better work from their employers, and the employers use these men to try to prevent others from going into the organization.

Q. Are employers there, as a rule, opposed to your organized effort?—A. While they are not all opposed to it, yet the majority of them are bitterly opposed to it.

Q. (By Mr. RATCHFORD.) You have made the broad statement that the employers use those men to prevent others joining the organization. Can you point out any instance in which that has been done?—A. They do in all sections; and I will state more positively, in the Lehigh region and in the Wyoming Valley, where the employers have men who are given gangways to drive, and the best of work, and we find that it is impossible to organize those men. We find no trouble with the man who has the average work or with the man that has poor work.

Q. Can you name an operator who is guilty of that charge, or coal company, to your positive knowledge?—A. No; I can not, to be positive. I was led to believe that through the miners whom it is possible to organize and the miners whom we can not organize.

Q. Then the circumstances point to it, but as to positive proof you have not any.—A. The circumstances point to it. That is all I care to say on that subject. We do not prevent anyone from making any contract which he thinks proper to make, at any time. We are always willing for the individual to make his contract, but we try to point out to that individual the ill effects of those contracts, provided he makes them at a less rate than has been paid prior to that time. But no force is taken to prevent them from perfect liberty of contract.

Q. Do we understand from that that the mine operators are privileged, according to the rules of your union, to employ whom they please and when they please?—A. They are.

Q. The miners do not object to that, whether organized or unorganized?—A. They do not; but after they employ them, we try by peaceful means to have those men join our organization.

Q. What have you to say of strikes and arbitration?—A. There are many causes leading up to strikes; the strikes, for instance, of the old Workingmen's Benevolent Association; they struck against what they thought was an unjust reduction; while the strike of 1897 in the anthracite at Audenried was caused by the brutality of the mine superintendent.

Q. (By Mr. PHILLIPS.) In what way did he show his brutality?—A. By striking a driver with a club.

Q. Did that one act lead up to the strike?—A. That one act led up to the strike, but their condition at the time was such that they thought some steps should be taken to remedy or improve it.

Q. Had he exhibited violent temper, overbearing disposition, prior to this?—A. He did, to myself for one. I was discharged from that colliery because I would not submit to what I considered an injustice.

Q. (By Mr. FARQUHAR.) Did the men attempt any appeal to the owner of the mine?—A. They did. This was in regard to the strike that led up to the Lattimer trouble.

Q. Through individuals or through a committee?—A. Through a committee of miners.

Q. Did the operators receive the committee and consult at all?—A. They received the committee and consulted with them, but refused to take any action.

Q. Was the demand of the committee to discharge the superintendent?—A. Yes.

Q. And the owners would not comply with the demand?—A. They would not comply with it, although it was proved that he had committed this act.

Q. That his actions as superintendent were unfair and unreasonable?—A. They were unfair and unreasonable, and wholly uncalled for.

Q. (By Mr. PHILLIPS.) Generally conceded by the workers in that mine?—A. It was unanimously conceded.

Q. (By Mr. FARQUHAR.) How long did the strike last?—A. The strike lasted from the latter part of August until the latter part of September.

Q. What was the result?—A. The men returned to work after the company had signified their willingness to remedy some of the evils. While the superintendent was not discharged, the men did not press that matter after the company had signified a willingness to treat with them on other questions.

Q. So that the strike brought about a modification of the conditions?—A. It did, and the conditions at that mine are much improved from what they were prior to that time.

Q. There is a sense of good feeling between the operators and the miners?—A. There is a much better feeling existing now than there was prior to that time.

Q. (By Mr. RATCHFORD.) You are speaking now of the strike that led to the unfortunate shooting affair, are you?—A. To the unfortunate shooting affair at Lattimer.

Q. Was this strike you speak of a regular organized strike, brought about by

organized miners, or otherwise?—A. It was not. The miners were not organized, speaking of them in general, while there was a small number organized.

Q. Not being organized, they had no controlling head, or officer to advise, did they?—A. They did not.

Q. (By Mr. PHILLIPS.) Did they not select or appoint leaders when they went on the strike?—A. No; they did not appoint any leaders. Leaders appointed at such a time do not have the influence over the men that leaders of organized labor do. If any trouble should arise in either the Wyoming or Lackawanna Valley at the present time, the field in which I am engaged, I am satisfied that the men would be willing to reason; I am satisfied that I could induce the men to listen to all reasonable arguments and be reasonable in every way, while, on the other hand, had they no leader in that field, each one would do what he thought was right, and oftentimes by so doing they do that which is not right. That is one great advantage, and what I call a benefit, not only to the community but to the country at large, that we have with organized labor.

Q. What nationalities are chiefly engaged in the anthracite fields as miners?—A. There are several nationalities—the Welsh, Irish, English, a small number of Germans. The largest number are Polish, Slavish, Lithuanians, Hungarians, Italians, and many others.

Q. (By Mr. RATCHFORD). Those latter nationalities that you speak of are what are known among the miners as the non-English-speaking miners?—A. Yes.

Q. What percentage of the whole is composed of the non-English-speaking miners in your region?—A. I would say they were fully 60 per cent.

Q. Now, as to their habits, customs, and standard of living, have you anything to say, comparing them with the English-speaking miners, as they are called?—A. Their habits are different from the English-speaking miners' habits. I would, in the first place, wish to return to the time that they were brought into the country, in order to lay this matter before you. They were introduced into the anthracite region about the time of the strike between organized labor and the operators in 1875. They were brought in there to cause confusion, I suppose, to a certain extent—or, at least, it is generally supposed so—among the ranks of the miners, knowing that the miners with so many different nationalities would not be in as good a position to maintain prices as they were with the English-speaking people. There are so many nationalities of them that many of them even did not understand each other. From that time they have been in the anthracite. They do not build homes, as a rule, or live as the English-speaking people try to live. They are, with few exceptions, the poorest class of foreign people, the class without any education, practically speaking, and at the present time thousands of them do not understand the English language, while others have very good English. It is almost impossible to tell what nationality they are unless by their names.

Q. (By Mr. FARQUHAR.) Are they usually naturalized citizens now?—A. There are a great many, while others only come here for a few years and then return to their native land. Their manner of living is such that even with the small wages paid some of them manage to accumulate considerable money. They can live on what would starve English-speaking people.

Q. Are they usually men of families or single?—A. There are a great many with families, while there are thousands of them without families.

Q. Among these non-English-speaking people, how many in 10 are there that have families and have American social life?—A. That I am not prepared to say; in different sections they differ.

Q. (By Mr. PHILLIPS.) Do they work in the same mines and in the same rooms with the English-speaking people?—A. They do.

Q. Are they generally mixed throughout the region, or are there some mines run wholly by English-speaking and others wholly by non-English-speaking people?—A. There are none that I can say are run wholly by either; yet I will name Carbondale, Pa., for instance, as being run almost exclusively by English-speaking people; and the operators at that place, so I am told by the miners, do not want the foreign labor, while in other sections they prefer the foreign-speaking people.

Q. (By Mr. KENNEDY.) Do we understand that the Polanders are a Slavonic people, and that when you speak of Slavs you speak of the Polanders, too?—A. No; the Polish and Slavish are different. The Polish and Slavish languages are different, although a majority of the Polish understand the Slavish language, and vice versa.

Q. (By Mr. RATCHFORD.) As to their habits, methods, and standard of living, have you anything further to say?—A. Their habit of living is this: The unmarried men board with the married people, but in far greater numbers, according to the size of the houses, than the English-speaking class would. You will see 15 or 20 of them in the same house of 4 rooms. They pay so much to the landlady for

the privilege of staying there, sleeping there, and cooking, and they buy their own provisions, or they have their landlady buy the same for them and charge to them. A great many of them have store books of their own. In this way they live very cheaply. The meat they buy is chiefly boiling—the cheapest kind of meat—and that cheap meat and potatoes, with black coffee and bread, in some cases butter—but it is not used to any great extent among them—constitute their living.

Q. (By Mr. PHILLIPS). Some vegetables, I presume?—A. Some vegetables, but not as a rule.

Q. (By Mr. RATCHFORD.) You spoke of these people adapting themselves in some cases to our language. Where such is done, do you find that they also adapt themselves to the manner and standard of living of the American people, or approach it more nearly than those who do not adapt themselves to our language?—A. They approach it more closely. In fact, you will find some—you would scarcely know but what they were Americans at the present time. Those are people that came to this country when they were very young. Many of them, when they were small children, were brought here by their parents. They have lived here continuously since that time, and they approach more closely the manners and customs of Americans than those do who come here in later life.

Q. Do you believe that it requires more than one generation for them to adopt the American customs?—A. While they may adopt some of the American customs, they will not adopt them as a whole, for this reason: They are being brought up by foreign-speaking parents and become accustomed to their parents' way of living and manners to a certain extent, so that they can not be brought to the ways and customs of American people in one generation.

Q. (By Mr. FARQUHAR.) Are your non-English-speaking foreigners there permanent now in their location, or do they shift from that district to other districts farther west?—A. They are continually moving.

Q. Are there many new coming in of these non-English-speaking peoples?—A. There are quite a few, although they do not come in such numbers as they did a few years ago.

Q. They come in more individually and isolated, and they used to come together in large numbers?—A. Yes; although you will occasionally see a train load come in now, but not very often.

Q. (By Mr. RATCHFORD.) Where they come in such large numbers, is it usually supposed that they come of their own free will?—A. It is usually supposed so. In fact, we have no proof to the contrary. Many of those that come to this country send back for their parents, brothers, and sisters, etc. Whether it is that that causes them to come in such numbers or not I can not say. As I said, we have no proof that any of them are brought in by contract.

Q. (By Mr. FARQUHAR.) Your general opinion is that most of those come in under the inducements of relatives, who send tickets to Europe and bring them here?—A. They come under the inducements of relatives and friends, I believe.

Q. As far as your knowledge extends, those that came first came in before the contract labor law, and the mines were originally filled that way?—A. They were originally filled that way.

I wish to state further in regard to that strike of 1897 that it resulted in great benefit to many of the anthracite mine workers. The workmen of the Lehigh and Wilkesbarre Coal Company were greatly benefited by that strike. The day men were given an increase of wages, while the contract miners received a slight advance. Not only with the Lehigh and Wilkesbarre Coal Company, but where I was employed at that time, Jeanesville, under the Lehigh Valley Coal Company, we gained considerable—while I can not say an advance, yet it amounted to that.

Q. What are we to understand by contract miners?—A. Those miners who mine coal by the car measure. At that time the miners of Jeanesville were compelled to buy their supplies of the company. The word "supplies" means powder, oil, cotton, and all things that may be needed to mine and produce coal. I say we were compelled to do so for this reason: In July or August of 1897—I will not be positive—the mine foreman employed by the Lehigh Valley Coal Company at Jeanesville went through the mines with a list of all miners who bought their supplies of the company and a list of all those who did not. He called at my working place and asked my partner and myself where we bought our supplies. My partner told him we got them where we could buy them cheapest. The mine foreman told us that he had been instructed to tell us that unless we bought our supplies from that company's supply store we could take our tools out.

Q. Did you take your tools out?—A. We did not; although we were told if we did not buy our supplies or some supplies there that month that we could take them out. But the strike of 1897 came on and prevented them from carrying out their threat.

Q. (By Mr. PHILLIPS.) Did they charge exorbitant prices for supplies?—A. They did.

Q. Much larger than you could get in the village or town near there?—A. They charged $2.75 per keg for powder, when we could buy from individuals or persons running individual stores for $1.25 and $1.50 per keg all we wished of it; and those coal companies bought, and buy at this time, powder at 90 cents and $1 per keg, while they charge the miners $2.75 per keg for it.

Q. And charge for the other materials of which you spoke proportionately?—A. Yes.

Q. The same price will illustrate all?—A. Yes.

Q. Did they make the same discriminating charges or overcharges for provisions?—A. They do at many places. At that place there was no company store. There was a store in Jeanesville that was owned and operated by Mr. J. C. Hayden, who had previous to this time operated these collieries. All provisions that were bought in that store by miners were paid for through the company's office. I may say they did not compel miners to buy of that store, and it did not belong to the coal company.

Q. Do the company stores prevail to any great extent through the anthracite region?—A. They do.

Q. Both in regard to supplies and provisions they largely prevail, do they?—A. As far as supplies are concerned, there is not a colliery in the anthracite region to-day at which they do not keep supplies for the miners—not one; and while the operators will say that the men are not compelled to deal with them, they will not employ them if they refuse.

Q. Provisions and store goods as well?—A. Not at all of them; at a great many they do. The coal operators will say that they do not compel miners to buy their supplies with that company. While this may be true in regard to oil in some places, yet they are compelled to buy their powder from these companies where they work, for they will tell you that if you do not buy your powder there you can work where you buy it.

Q. Will you give to this commission the name of the company for whom you were working when this compulsory treatment was imposed upon you?—A. I think I did; the Lehigh Valley Coal Company.

Q. (By Mr. RATCHFORD.) Will you name the man who circulated the paper through the mine and who used the compulsory methods?—A. It was Mr. William Hale, foreman of No. 12 slope, at Jeanesville, Pa.

Q. How many kegs of powder usually will 2 men who are working together use in an ordinary month's work?—A. I wish to enter into this quite extensively. I have spoken with men lately who stated that owing to the hard nature of the coal which they had to blast they have used as many as 12 kegs of powder in 1 month.

Q. Two men?—A. Yes; 2 men. While that is above the average, I will say that 6 kegs is a fair average. In 1897 there were over 1,272,000 kegs of powder used in the anthracite; or, in other words, at $1.50 per keg above what we could buy it at from individuals, we were overcharged $1,908,000 on powder alone.

Q. Have you anything to say as to strikes?—A. In the strike of 1897 the workmen, when shot by Sheriff Martin and his deputies, were patrolling the highway, but at some distance from any colliery.

Q. (By Mr. FARQUHAR.) How far from any colliery?—A. I should judge at least 300 yards.

Q. How many were together in the patrolling?—A. I can not say how many there were.

Q. Was that patrol armed or without arms?—A. They did not have any arms about them; neither guns nor revolvers. All that was found upon them were small pocket knives, such as we may carry.

Q. (By Mr. PHILLIPS.) How many persons were shot and killed and how many were wounded and recovered in that strike?—A. I am not positive whether it was 18 that lost their lives or not; there may be a few more. A great many were wounded; how many I am not positive. There is one at the present time in the Hazleton hospital who will never recover.

Q. (By Mr. FARQUHAR.) Were the killed and wounded all so-called strikers, or were some of the sheriff's posse included in those killed and wounded?—A. There was no one among the sheriff's posse either killed or wounded, for the reason I have stated, that the strikers were not armed; and had that sheriff and his posse used the means which they should have used that shooting would not have happened; that I am satisfied of. My reasons are these: A few days before this time, while marching along the highway, the strikers were met by Mayor Altmiller, of Hazleton, with a few policemen, probably three or four, and were told that they would not allow them to march through the principal streets of Hazleton. He

talked peaceably to them, and by his kind manner induced them to go another route. The men had not the least intention of doing damage; that I am positive of, because those that were marching at that time—a great many of the strikers I was acquainted with, had worked among them; and, as I say, had the proper steps been taken, that shooting at Latimer would never have occurred.

Q. (By Mr. RATCHFORD.) What do you assign as being the principal cause for that shooting?—A. The principal cause that I assign is this: They wished their men to go back to work without the advantages that the men hoped to gain, and they thought that by this method they would cow the men down, so to speak, so they would be afraid to look for what they thought was just. I can not assign any other cause.

Q. Anything to say on the subject of injunction?—A. The injunction in strikes—we have not been subject to that as yet; in fact, they have not been given a chance to issue an injunction; but I will say that injunctions should not be issued. It has a tendency to keep a man down to the low level he is at present, or, in other words, it gives the coal operators an undue advantage of the miners.

Q. (By Mr. KENNEDY.) Has that been resorted to in the Pittsburg district?—A. Yes. In any differences that may arise between anthracite men or between the organized portion of the industrial workers and the employers we are ready at all times to try and effect a settlement by conciliation, and, failing in this, we are willing to submit the matter to arbitration; and strikes will not be resorted to until all peaceable measures have failed.

Q. (By Mr. PHILLIPS.) What have you to say in regard to weekly, semimonthly, or monthly payments?—A. I wish to say that a law was passed in Pennsylvania stating that employees should be paid semimonthly "on demand." Those two words prevented the miner from receiving his wages semimonthly, because if he demands it there is no more work for him. There is one company in the anthracite to-day that is paying semimonthly—Coxe Bros. & Co. At the time I first went to work for the Lehigh and Wilkesbarre Company at Audenried, Pa., they paid their employees semimonthly, but for the last three years and a half they have paid them monthly. The reason why they made this change I can not say. We are in favor, however, of a weekly payment; if we can not get that, we would like by all means to receive our pay semimonthly. The reason for this is that the workmen could spend the small amount of money they earn to a better advantage; they could buy the necessities of life at a much cheaper rate than they can at the present time, for with the monthly payment the majority of miners use the store book, and they as a rule charge more in those stores than at places where they deal strictly for cash.

Q. Have any of your miners, either singly or collectively, demanded, in compliance with that law, the pay due them?—A. I have been told that they have, and have received it, but could not get employment at that colliery afterwards. I can not positively state the fact. I would be led to believe that such was the case from the fact that they do not pay semimonthly, as the law says they should pay, and have been told so by many.

Q. What is your rule of mining in the anthracite region, by the ton or by the car, and the price?—A. At Jeanesville, Pa., and the Lehigh Valley Coal Company the size of the car is 103 cubic feet. Forty cubic feet will make a ton of coal. The miners get paid for that car 77 cents. For driving what we term in the anthracite region the gangway, or what is known in bituminous coal mining as an entry, they receive $4.22 per yard. For blasting bottom rock, where it was necessary to blast such in order that the car may go, they receive $1 per foot. For timber they receive $1.63 per set. A set of timber is three pieces, known to the miner as two legs and a collar. For props they receive from 50 to 75 cents each. For airways they receive $2.75 per yard. For heading between working places—they are driven so that the air current may be brought up nearer to the working face of the mine—they receive $2.14 per yard. Company miners receive $1.98 for 10 hours' work. Company laborers, or all other inside help working by the day, receive $1.10, $1.44, and $1.64—three prices. What is known in the anthracite as a patcher receives 89 cents per day; door boys, 69 cents; oilers outside, $1; carpenters, $1.65 to $1.75; blacksmiths, $1.75; stationary engineers, from $42 to $45 per month; firemen, $40. A fireman works one week on day shift and one week on the night turn. The week they are working days they work 10 hours, and when at night work 14 hours, and for this price they have to work every day in the month, Sunday included. Other laborers outside, in and around the breaker, receive $1 to $1.20 per day. The majority of them receive $1. The old man who is not able to follow his occupation as a miner any more is sometimes given employment in the coal breakers. They receive generally 90 cents per day. Boys on the breakers at that place receive from 50 to 75 cents per day. The house rent—they live in company houses, nearly all of them—is $5 to $6 per month. A reduction in the house rent was granted on request of the miners in 1897, at the time of the strike.

Q. (By Mr. FARQUHAR.) You spoke of houses. How many rooms?—A. Three and four. The coal is sold to the miners at $1.75 and $2.75 per load, according to the size and grade of the coal.

Q. (By Mr. PHILLIPS.) That is, by the wagonload?—A. By the wagonload. It is supposed to hold 1 ton. The miners are charged that price for the coal that they burn.

Q. (By Mr. RATCHFORD.) Do other than miners buy it in the open market for the same price?—A. As a general thing, they do. Still in some cases the miners receive their coal at a cheaper rate than those that are not employed by the companies; but that is not the rule. Miners are supposed to pay, and do pay in nearly every instance, the same as those not employed by the company.

Q. (By Mr. PHILLIPS.) What can a good practical miner make per day in mining by the car?—A. I have worked in places where I was fortunate to earn $2, probably, and sometimes $2.50, while I have worked in other places where I was not able to earn $1, and would work equally as hard, sometimes harder than I did when I was earning a larger amount.

Q. On the average about what do they earn per day?—A. I have here my checks for my last year's work, and I was employed at one of the best-paid collieries in the anthracite. My earnings last year were $404.

Q. (By Mr. RATCHFORD.) How many days did you work?—A. I would not be positive in stating that, but about 240, for the anthracite miners go in and work a great many days when the collieries are not working.

Q. Will you explain to the commission what advantage it is to the miner to go to work when the colliery is idle—colliery not hoisting coal?—A. There is some advantage, or they appear to think it is an advantage. On the other hand, I do not think it is an advantage, for this reason: In the anthracite at the present time each colliery is allowed so many cars to fill for a week or a month by the company. The miner goes in the mines and works on idle days, and he is thus able to load a larger amount of coal than he could had he not worked this idle time. The company is able to fill their quota for that colliery in a much less time by this method than they would were the miners not to work on idle days. I think, if it were possible, something should be done to prevent any miner working in the mines when the colliery is not running. I will give my reasons: At the colliery where I worked the mines only work 3 days per week, and the miners work the other 3 days preparing their coal to load. They can by this method market 400 cars of coal each day. By this I mean mine cars. Were the miners not to go in on idle time, 250 cars would be the limit; so that it would take the company almost 5 days to get the 1,200 cars of coal from the miners which they want from that colliery; but by the miners working idle time they get these 1,200 cars in 3 days, because they could hoist 400 cars each day. By so doing the miners deprive all inside day help and all outside help of these extra 2 days; but that plan is carried on to-day in the anthracite to a great extent. There is one place in the anthracite where they have a car of 171 cubic feet, or, in other words, over 4 tons. For that the miners receive $1.08, or 27 cents per ton.

Q. Does that mean 27 cents per ton for run-of-mine coal?—A. Yes.

Q. You are not bothered with any screens there?—A. We are not bothered with any screens. We are troubled with something worse than screens—the docking system.

Q. (By Mr. FARQUHAR.) Describe it.—A. The dockage system is this: The company have what they call a "docking boss" on every coal breaker. When the cars of coal are dumped he is at liberty to take one-quarter, one-half, three-quarters, and in many cases he takes the whole car from the miner, after the miner has mined it, and in some collieries in the anthracite to-day they dock on the average from 10 to 12 cars out of every 100. At the place where I was employed last, at Jeanesville, they never took less than a full car, and in my career there as a miner I was docked sometimes as high as 2 cars out of 4. When I would load and mine 4 cars in one day, a docking boss would take 2 of those from me. For these 2 cars I would not receive one cent, although I had blasted that coal, had paid for my powder and other supplies, and had been put to a great deal of expense oftentimes to get that coal.

Q. (By Mr. RATCHFORD.) How much coal was there in those two cars?—A. That car held, I would say, to be within bounds, at least 2½ tons.

Q. (By Mr. PHILLIPS.) What was the cause of your being docked?—A. They claimed it was because there was too much slate, or at other times they would say there was bone in it. What the miner calls bone in that section is a bony substance not fit for market. It is found in the vein of coal. I was docked full cars of coal while mining when I was positive and could have taken an affidavit there was not 25 pounds of impurity in any one car. And further, either in

October or in November of last year, I was docked when working in a place where I had no slate, and they deliberately took my coal from me; and after I had gone to that docking boss he acknowledged that he did me an injustice, and he gave me the car back.

Q. Will you state the name of the company for whom you were working?—A. The Lehigh Valley Coal Company. That prevails throughout the whole anthracite.

Q. (By Mr. A. L. HARRIS.) What becomes of the coal that you were docked?—A. It is put by the company into the same chute as the coal they pay for.

Q. They do not take any of this out?—A. They do not take any more out than they do out of cars paid for. It is all dumped in the same chute.

Q. (By Mr. RATCHFORD.) And is it sold for the same price?—A. Yes. At the last time I was docked, either in October or November of last year, when I spoke to that docking boss and told him I would demand payment for that car, he gave me that car back and told me that I was the most honest man he ever met, and that he would never dock me another one. I can give you the name of the man who did this, if you choose.

Q. Let us have it.—A. James Peacock, of Jeanesville, Pa.

Q. (By Mr. PHILLIPS.) Have you reason to believe that these docking bosses are instructed to dock by the company for which they work?—A. They are; they have told me so.

Q. In order to reduce wages in that way?—A. They did not say what it was for; but they have often told me they were instructed by the company to dock that coal.

Q. (By Mr. FARQUHAR.) Is this dockage general in the anthracite region?—A. It is general.

Q. (By Mr. RATCHFORD.) Have you any figures showing the production of any of the anthracite mines per month, and also showing the amount docked during that same time?—A. I have. I will leave it with you. This statement is from a colliery owned by the West Ridge Coal Company, situated in the northern part of the city of Scranton. The colliery is better known by the name of "Pig and Whistle." On this list I find that some miners were docked as many as 7¼ cars out of a total of 57 which they had mined in 1 month. It ranges from 1½ to 7¼ cars for each miner. That was for the month of April, 1898. On the same list you will find prices that are charged in the company and cash stores, respectively.

(The statement above described is as follows:)

The following is a statement of the number of cars of coal sent out during the month of April, 1898, by the respective miners at the colliery owned by the West Ridge Coal Company, located in the northern part of the city of Scranton, Pa.; also showing the number of cars each miner was docked out of the total mined by him:

Miner No.	Cars sent out.	Cars docked.	Miner No.	Cars sent out.	Cars docked.	Miner No.	Cars sent out.	Cars docked.
1	58	4½	21	57	6½	38	42	3
2	59	5½	22	50	4½	40	5	½
3	49	3½	24	28	1½	41	75	7½
4	43	4½	27	62	6½	43	60	5½
5	47	6½	28	9	1½	44	76	5½
6	67	1½	30	21	2	45	40	3½
7	40	3½	31	53	4½	46	77	3½
8	57	4½	32	50	3½	47	58	6
9	57	7½	33	53	4½	48	70	3½
13	62	6½	34	40	1½	Total	1,750	144
17	78	4½	35	62	6½			
19	62	6½	36	12	3½			

The following is a statement of the comparative selling prices of provisions at company and cash stores (Scrantonion, May 8, 1899):

Provisions.	Company store.	Cash store.	Provisions.	Company store.	Cash store.
Flour ..... per barrel	$8.50	$6.50	Cheese ..... per pound	$0.12½	$0.10
Butter ..... per pound	.25	.19	Sugar ..... 17 pounds	1.00	.....
Bacon ..... do	.10	.07½	Sugar ..... 20 pounds	.....	1.00
Eggs ..... per dozen	.25	.12½	Raisins ..... per pound	.12½	.09
Tomatoes ..... per can	.12	.08½	Pickles	.10	.08

One of the greatest injustices to the anthracite miner is the dockage system. In regard to time work—in some mines in the anthracite to-day, and particularly so at Maltby, in Luzerne County, owned and operated by the Lehigh Valley Coal Company—they have a system there that is very unfair. They want from 80 to 85 cars per hour to be hoisted and put through their breaker. If this amount is not hoisted the drivers, company men, and the men on the breaker are not paid their full hour; in other words, they are paid according to the amount of coal hoisted, 85 cars per hour being the standard. The men claim they should be paid for every hour while on duty. Sometimes some of the machinery in the breaker breaks down, and they are compelled to stop probably 15 or 20 minutes, or half an hour. That is not their fault. They are there ready to work.

Q. If more than 85 cars per hour be hoisted are those men paid additional wages?—A. No, they are not paid more; but if less is hoisted, then they are paid according to what is hoisted.

Q. (By Mr. PHILLIPS.) What remedy would you prescribe for this dockage system of which you complain? Could operators get pure coal mined if they did not resort to some such method?—A. I think that the coal mined would be equally as good were they not to resort to this, for the reason that I have stated; oftentimes the man that loads the best coal gets the most docking. I tried to load my coal as free from impurities as possible, but I could not escape the watchful eyes of that docking boss.

Q. Would they not be willing to have a judge?—A. They will not grant us the privilege. And further, they have now adopted the double-dockage boss system, having docking bosses also for the inside of the mines, and anything that escapes their eyes will be docked when the cars reach the breaker; and sometimes both do a little docking on the same car, and by the time it gets through their hands the miner has very little left. The remedy for the dockage is this: Have a check docking boss, in other words, a docking boss employed by the miners, on that breaker. That is one remedy, but that I am positive will be stubbornly contested by the anthracite coal operators.

Q. (By Mr. KENNEDY.) Have the miners ever attempted to secure legislation that would aid them?—A. Not that I am aware of. On the other hand, I think legislation for them would be useless, as the operators always have managed to elude, in some way or other, all legislation that has been passed. The only remedy that I know for the anthracite miners is to become thoroughly organized, and then by peaceful methods establish that system. One thing I object to is this: The cars in the anthracite region average from 80 feet to 171 feet, and we think that the miners should have a standard car if the coal is to be mined by measure; and the price should be based on that standard car. They could then operate their mines with cars as big as they liked, while they were willing to pay according to the size; but at the present time they have in the anthracite cars of 80 cubic feet that are being paid for at the rate of 85 cents a car, while at other places they have cars of 161 and 171 cubic feet and they are paying $1.08 for them.

Q. (By Mr. RATCHFORD.) How are these prices fixed?—A. In 1875 the miners of the anthracite went on a strike against what they termed an unjust reduction. The operators at that time formed a scale of their own, based on the idea that coal should be paid for according to the selling price at tide water. It was placed on a $5 basis; in other words, when coal sold at tide water at $5 a ton, the miners received a certain price for mining; and they also received 1 cent advance on every 10 cents per ton that the price of coal advanced, and a reduction of one-tenth of any fall in the price of coal. The miners never signed that scale, so that it was a one-sided affair; and at the present time the operators claim that they pay the miner according to this basis of 1875, and through the unorganized condition of the miners they have been able to secure reductions in the price of mining in different places, and that accounts for the marked difference in the price of mining in the different places to-day. They have never offered them a reduction as a whole since that time, but have always reduced them one section at a time, or, in some instances, one or two collieries at a time.

Q. If the operators receive 90 per cent on every advance in prices, as compared with 10 per cent received by the miners, can you explain why it is that the operators oppose an advance in wages?—A. The only reason I can give is that it would take dollars out of their pockets, of which they are so fond.

Q. It seems that it would put money in their pockets instead of taking it out to grant miners an advance?—A. I can not see it that way for the reason that the miner has not for many years past been accorded the privilege of being present and seeing that he was getting what really belonged to him; in other words, the coal operators fix the price and the miners have nothing to do with it. The coal operators take all the advance at present and the miner does not get his share. Even when the price of coal does advance the miners do not receive an advance.

Q. Then that sliding scale is not being carried out?—A. The sliding scale has not been carried out. It has slid the one way; it works splendidly the one way, but it never works the other. That sliding scale was only in force in what is known as the Lehigh and Schuylkill regions; in short, the ranks of the miners have been demoralized for several years past; they were not organized, and the prices that prevail at present were forced upon them because of their unorganized condition.

Q. Is it true that the prices of anthracite coal are regulated by a corporation or combination of coal operators?—A. It is; a combination known as the "Anthracite Coal Operators' Association."

Q. The regulation of those prices takes place at a certain period in the year, for the production of the season, does it not?—A. It does; stating the amount that shall be mined for that period and the price which that coal shall be sold at in the market.

Q. Have you had any instances in which the selling price of that coal was higher at one time than another, under this association's rules, and wages lower during the period in which the product was selling at the highest price?—A. You will find that coal sold this past winter at a much higher rate sometimes than it did at others, and while the miners were not reduced, yet they did not receive any advance as they should have. I do not regard this sliding scale as in operation at all to-day in the anthracite region; in fact, it was never signed either by the miners or by any representative of the miners.

Q. When was this last anthracite coal combination formed?—A. I can not state now positively.

Q. Is it true that wages in the anthracite region prior to the formation of this coal combination were higher than they were the following season after the combination was formed, even though the product was sold higher during the latter period?—A. I am not prepared to furnish definite information on that; but I will say that the wages of the anthracite miners and all those employed in and around anthracite mines have been greatly reduced in the last few years, until at the present time the wages paid are lower than they have been for many years.

Q. (By Mr. FARQUHAR.) How long have you known of the existence of this association—13 or 14 years?—A. My time as a miner in the anthracite region has not been that long. To my own personal knowledge as a miner, 6 years. Previous to that time I was a laborer, and perhaps did not pay the attention to these things that I should.

Q. Of your own knowledge of the mine workers in the anthracite region, as to intelligence, honesty, and peaceful disposition, do you think that they can properly organize unions and gain in strength to rectify the abuses that you speak of?—A. As to the intelligence of the anthracite miners, I have no doubt; in fact, I know that they are intelligent enough to carry this matter out; and the foreign-speaking people in the anthracite region are very anxious to become affiliated with the organization of their craft at the present time, more so than they have ever been; and I firmly impressed upon all of them the necessity of dealing with all questions in a lawful manner, and I have no doubt but what the Wyoming and Lackawanna valleys, in particular, will be able in the future to have many of the wrongs which they are now laboring under redressed through their organization. All that we ask is that we be given the protection that should be given to every peaceable American citizen in the work of organizing.

Q. In other words, you do not want to organize for strikes, but for fair play between operators and the mine workers?—A. Yes; to further those principles which are set forth in our constitution—conciliation and arbitration.

As to store orders, I will say that a great many of the anthracite coal operators run company stores in connection with their collieries, and while I have never been told that I would have to buy in these company stores, yet many of the miners have told me recently that they were compelled to and that the superintendents have told them to buy in the store.

Q. (By Mr. KENNEDY.) Is not powder sold in the company stores?—A. I mean living provisions. Some of the company stores are such that you can get almost anything from a paper of pins to a steam engine.

Q. (By Mr. RATCHFORD.) Is the powder usually held in a magazine by the mine?—A. It is held in a magazine; they generally have it to hold picks, shovels, and all such things.

Q. It is part of their system—selling the necessaries of life and working utensils to miners?—A. Yes; but they are kept in a separate place; those things are kept separate on a miner's check. One remarkable feature about some of the miners' checks is that when they would have 20, 30, or 40 cents left after paying the store bill the company would always manage to claim that much for blacksmithing, so that the miners would draw a blank. I have some checks here I will leave with

you, but I would not wish to have the miners' names mentioned, for were they to be mentioned in this report I am satisfied that those miners would leave the anthracite coal field. Here we have one where the miner earns $24 and they manage to bring things out to the exact cent. I promised the miners their names would not be used. Some of them are very poor men; in fact, all are, and if they would be thrown out of employment they would not have car fare to go any place else. There are a few with larger amounts than these, but there the miner has to pay the man who works for him, or, in other words, pay his laborer out of that amount. That accounts for it being larger. In connection with this I have one more thing to leave with you, if you would wish it—a company store book, showing the account of a miner, name, and place of residence. If the commission wishes it, here is an account of the prices charged in the company stores and the prices of provisions in the cash stores at the same time. That was published and was never contradicted, and, in fact, is genuine.

Q. You can not give us any authority for it?—A. The Scrantonian, a newspaper of Scranton, published that, and they gave me the privilege of using their name as being the authors of it. I have another account, which I will hand to you here, or a company store bill of $23.29, and the prices that prevailed in the cash store at the same time for the same goods, which shows a difference in favor of the cash store of $6.73 in that bill.

Q. (By Mr. KENNEDY.) What is the percentage of difference?—A. It will be about 27 per cent, as near as I can tell just now without figuring it closely.

Q. (By Mr. RATCHFORD.) What is the name of the store?—A. That is the Parrish Coal Company's store.

Q. What is the name of the cash store?—A. They were the prices prevailing in the cash stores at that time; not any particular store.

They have a law on the statute books of Pennsylvania which says that they shall not run company stores in connection with collieries, but they appear to do this in defiance of the law. The law, however, has been declared unconstitutional; but they do at the present time, to a certain extent, compel the miners to deal in their stores. In fact, the gentleman that was to have been here to-day has a company store, and the miners at that place are told plainly that they must deal in that company store. The remedy for that I do not know, unless a law could be passed in the State of Pennsylvania which could not be declared unconstitutional; or organize thoroughly, and so compel the coal operators to close those company stores. Congressman Morgan B. Williams did close his store at the time that law was passed, and to-day he does not run any store in connection with his colliery; that is, grocery and provision store. He does, like all other operators, sell powder and supplies to the employees; but he is one of the fairest operators to the miners and to his employees in general that there is in the whole anthracite coal field.

The difference in wage schedules in the different sections—I can leave some here with you, which gives the prices paid for all kinds of labor at 18 or 20 collieries in the Lehigh region; also some from the Wyoming Valley and Lackawanna Valley, showing the different rates of wages paid. In the Lehigh region outside labor on the average is paid $1.10 per day. That may be above the average. In the Wyoming Valley the average I will place at $1.35 per day for the same kind of work, a difference of at least 25 cents per day between those two adjoining sections. There are drivers in the mines at Providence, Pa., working 10 hours for 87 cents.

Q. (By Mr. A. L. HARRIS.) Is there any difference in the coal of the mines?—A. I have mined in several places and I do not consider that there is a great deal of difference in the mining. The most of the difference is this, that in the Lehigh region the veins nearly all pitch somewhat, and in some places they have a very rapid pitch—in fact, almost perpendicular—while in the Wyoming Valley the veins are level, or nearly so. The mining is harder on that account in the Lehigh than it is in the Wyoming.

The influence of organized labor on wages—I will say in regard to that that at the time there was an organization in the anthracite better wages prevailed; the men had better terms and conditions of employment than at the present time. Where I worked last, Jeanesville, the conditions of employment were much better after the men became organized than they were prior to that time. In fact, to work there 2 years ago and to work there in that same mine 1 year ago, or since that time, a person would scarcely think he was working for the same company or under the same foreman, the change was that great. That is as far as my personal knowledge has gone on the influence of organized labor on wages, except in a general way, speaking of our organization, which I suppose has been covered by the other witnesses.

The number of employees in the anthracite is fully as great to-day as ever were. There are more men in the anthracite then can find employment. There are a great many idle all the time, and it has a tendency to keep wages down below what they should be.

Q. (By Mr. KENNEDY.) Was not that surplus of labor brought about by the operators importing the foreign labor under contract?—A. It was. Prior to that time all men wishing work could find employment. The only way that I know of to remedy this is to adopt the 8-hour workday, if possible, to give employment to a greater number of men. I know of no other way to give work to the unemployed.

There are thousands of very young boys employed in the mines in the anthracite as door boys, and in the breakers. There are many employed who are compelled to work by reason of their fathers not being able to support the family; and in other cases you will find many working who are the sons of widows, and who are compelled to work in order to help support the family. The law in Pennsylvania states that no one shall be employed in the mines under the age of 14 years. I have no doubt but what many are employed under 14 years.

Q. Do you know of any instances?—A. I have seen many who, I am almost positive, were under 14 years.

Q. Then, that is the parents conniving at the violation of the law; the parents are at fault as much as the mine owners?—A. At the breakers many boys are employed under the age at which the law says they shall not be employed—that is, 12 years; but I do not know how we can remedy that, because the boys certainly apply for employment and are given the employment.

Causes of irregularity of employment—I will name one cause why the men are not employed more regularly: the output is so much larger than the consumption. That accounts for the irregularity of employment to a certain extent. The anthracite mines are capable of producing, according to the best reports that can be obtained, about 70,000,000 tons of coal in a year, while the output so far has not exceeded 47,000,000 tons in any one year. The average time that the anthracite mines work we might place at 150 days in 1 year. The shorter workday we claim would give employment to many of those men that are now unemployed; and not only that, it would give both the men and boys employed a better chance to educate themselves, more time to spend with their families and in the enjoyment of life, and the educational feature, the one I just mentioned, above all. Many boys who go to work at a very early age can not devote the time to education which they should, and which they would were the mines to work 8 hours instead of 10; and we find the anthracite mines work in many instances over 10 hours per day. I have been told myself, when I would be going out of the mines in the evening, that unless I stayed in and worked until 7 o'clock I need not go to work the next day.

Q. (By Mr. RATCHFORD.) Told by whom?—A. I was told this in Jeanesville by the mine foreman at that place. In the winter of 1896 I was working in what is known as the Number 4 slope at Jeanesville.

The effect of immigration on employment in the anthracite is this: It has reduced wages and has caused a surplus of labor which enables the operator to enforce conditions upon the miners and upon the workmen to-day which they could not enforce upon them did this surplus of labor not exist.

Q. Are the miners in that region—English-speaking and people speaking other languages—in favor of limiting the immigration?—A. The English-speaking people are. The foreign-speaking people I have not approached on that subject, for the reason that the majority of them are not far enough advanced to speak intelligently on that subject. While there are some, yet there is only a small percentage of them able to discuss that question intelligently.

Q. Are most of the English-speaking people in the anthracite region, to whom you refer as in opposition to immigration, of foreign birth?—A. The majority of them are of foreign birth. A great number of them are of foreign birth, while there are thousands that are born of foreign parents.

Q. Yet they all unite on that one point.—A. That there should be some restriction on immigration.

Q. (By Mr. FARQUHAR.) Is there any colored labor in the anthracite region?—A. There is not that I am aware of. I have never seen a colored man in the anthracite working in a mine.

Q. (By Mr. RATCHFORD.) How is your public-school system?—A. Very good in all the schools in the anthracite that I have any knowledge of.

Q. Well adapted to the needs of the working people?—A. If any child is kept in the puplic school there until he has gone through their branches of study, he will have a very good education, and such that will fit him for all ordinar purposes.

Q. (By Mr. KENNEDY.) Does the State furnish educational facilities in foreign tongues?—A. They do not.

Q. (By Mr. FARQUHAR.) Have you free text-books in Pennsylvania?—A. Yes.

Q. Have you anything to say under the head of labor-saving machinery, or mining machinery?—A. In the breaker they have modern machinery which does away with a great amount of labor, and particularly in preparing the coal. They have machinery in the anthracite that will clean the coal and prepare it for market, where the breaker boys formerly had to do this work. It displaces a great number of boys, and men in many cases.

Q. Do you regard that as being a good thing for the boys?—A. It throws a great many boys out of employment that are old enough to work, and who will have to go into the mines or at some other employment, for the reason that their parents are not able to maintain the family without their help. In the mines we are not troubled with very much machinery, as it can not be used to any great advantage in anthracite coal. The anthracite coal is of such a hard nature that no machine other than a drilling machine can be used; and the miners all have those drilling machines.

As to giving definite information, I do not think that I can to any extent. I will say, however, that this last combination that was formed, with J. Pierpont Morgan at the head, is believed by all to have been formed for the purpose of preventing those individual operators from constructing their own coal road to market. Simpson and Watkins were the leaders in the project of that new coal road which they proposed to build from the Wyoming Valley to tide water. They have been bought out by this combination, so that the idea of building that new road has been abandoned. That is all I have to say in connection with combinations. They undoubtedly charge extortionate rates for taking the coal from the anthracite mines to the markets. I have a few prices here which have been procured from an anthracite-coal operator which I will submit: The rate from Hazleton to Allentown, 52 miles, is $1.10 per ton. From the same point to Bethlehem, Pa., 57 miles, it is $1.15 per ton, and from the same point to Philadelphia, 114 miles, it is $1.55 per ton.

Q. (By Mr. KENNEDY.) Can you state what it is to New York?—A. I could not get that rate. That is guarded so closely that I have not been able to get that information; but it is generally understood that the price charged by the carrying companies from the mines to tide water is two-fifths, or 40 per cent, of the selling price of coal. The carrying companies take that and the operators get 60 per cent for their product. That is as far as I can go on that, to state facts.

We have mine laws in Pennsylvania which appear to be all that they could be. Yet, at the same time, those laws are not carried out. I may, perhaps, have to get very plain on that question, but as I am here for that purpose and to state facts I shall. We have a mine law in Pennsylvania which says that the air shall be carried to the working face of each place in sufficient quantities to sweep away and render harmless all gases, powder smoke, etc. It is not done. I am stating what I know to be facts. Some time in 1897, or probably in the beginning of 1898, the workmen at Eckley, Pa.—a portion of the district that I was then working in—brought this matter before our district convention. The mine inspector was notified to go to that mine and inspect the air in those places. He went there. All places where union labor was employed were stopped and the places where nonunion labor was employed were allowed to work. That I know to be a fact.

Q. (By Mr. FARQUHAR.) You concede, at the same time, you have good laws if they were enforced properly?—A. The laws are good if they were enforced.

Q. (By Mr. RATCHFORD.) What means do you suggest of enforcing the laws?—A. At the present time it is necessary, if I am not mistaken, that 15 or more miners shall make a complaint before any charges can be made against a mine inspector, and I think that is not just. I think that if any one man in that mine will say that the air in his particular working place is not what it should be, that the mine inspector should at once visit that portion and cause better air to be circulated, and, failing in this, that that miner could report that mine inspector to the proper authorities, and that there should not be 15 miners required.

Q. (By Mr. FARQUHAR.) Do you think there is a sufficiency of mine inspectors there to properly inspect the mines?—A. I think not; and those that are there do not do their duty.

Q. (By Mr. KENNEDY.) How often did you say the inspectors came down during your time?—A. I would see the mine inspector very seldom, in fact, scarcely ever unless an accident occurred; and I have been told by miners in different sections of the anthracite lately that they never see the mine inspector unless one of the employees in the mines is killed.

Q. (By Mr. RATCHFORD.) Do you believe that those laws can be enforced to a very great extent by a more thorough organization of your workmen, in which and through which the discussion of those questions can be had at open meetings, etc.?—A. I really think that the solution of that question, or the best results, would follow the organizing of the miners. If it is possible to effect a thorough organization among them, I have no doubt but what those evils can be remedied, at least to a great extent. The local meetings take the place of a school; in other words, the men meet to educate each other as to our needs and to the proper way of adjusting differences and remedying evils. I have worked in the anthracite mines within the past year where I could not work a full day at any one time, the air was so impure; and the current of air was not sufficient to drive away the smoke, so that I would be compelled to leave my work at 6 or 7 hours, and then would not be in a fit condition to walk home many times.

As regards the law regulating payments: I have my checks here for the past year which I will leave for you, and you can use them as you choose, with permission to use my name, as I do not care.

You will understand that the miners of the Lackawanna and Wyoming are compelled to put a certain amount of topping on their cars, such as they do in the bituminous, and the operators demand more topping on their cars now than they did a short time ago. In mines where they were paid a certain price for a car with 6 inches of topping they are now compelled to put 10, 14, and in some instances as high as 18 inches on that same car for the same price.

Q. (By Mr. A. L. HARRIS.) On the freight car?—A. On the mine car.

Q. (By Mr. RATCHFORD.) You have worked every day that you had an opportunity?—A. I did, and worked a great many days that the mine did not work.

I know the needs of anthracite miners as perhaps few know them. I have seen within the last 3 years, in the winter time, children without shoes to put on their feet—could not go to school, could not go out of the house—and at the same time they have been refused a pair of shoes out of those very company stores that I have mentioned. I have known families in the past year to do without meat for a month at a time; that did not know what it was to have meat. And I have known cases where families did not have the bread to give their children on their rising from their beds in the morning.

STATE OF PENNSYLVANIA, *County of Luzerne:*

I swear that the statements made by me of my own knowledge in the foregoing report of my testimony before the Industrial Commission are true, and that all other statements I believe to be true.

BENJAMIN JAMES.

Sworn and subscribed before me this 14th day of August, 1899.

J. F. DONAHUE, *J. P.*,
Third Ward, Wilkesbarre, Pa.

Certificate on file in Pension Department, Washington.

WASHINGTON, D. C., *May 10, 1899.*

TESTIMONY OF MR. R. G. BROOKS,

Coal operator, Scranton, Pa.

The commission met at 11 a. m., Vice-Chairman Phillips presiding. Mr. R. G. Brooks testified. The topical plan of inquiry on mining was followed in the examination of the witness.

Q. (By Mr. RATCHFORD.) Please give the title of your company and place of business.—A. I am connected with three or four companies. One is located about 8 miles south of Scranton—Greenwood Coal Company; I am president of that company. The next one is down about 5 miles below that, south again toward Wilkesbarre, called the Langcliff Coal Company; I am president of that also. Then down about 8 miles below that we have what is called the Laflin Coal Company; I am president of that also. We also have a system of washers called Brooks's Coal Company. We have only two ready, but four contemplated; that is, washing dumps in connection with the colliery.

Q. Are those companies to which you refer separate and independent of each other?—A. Yes.

Q. Is there any form of organization between the coal operators of the district in which these mines are located?—A. No; there is no particular form of organization except what is known as the Anthracite Coal Operators' Association. It is simply an organization which comes together every 3 months to discuss the situation of the coal trade generally and keep posted as to the statistics from time to time.

Q. Does this association regulate the selling prices, reduction, or anything of that kind?—A. Has nothing to do with that.

Q. Wages?—A. Well, by the general custom in that region we are governed by adjoining corporations, railroad companies. The Lehigh Valley is one of our largest competitors.

Q. Is there not an organization among the operators of your district known as the Anthracite Coal Trust, or is it a railway?—A. That is composed of railways operating coal mines. The coal operators are separate and distinct. It is composed only of those interested in the railroad and coal companies jointly, and we are really in their hands; that is to say, most of us are under contract called the 60 per cent contract—60 per cent of tide-water prices; pea coal, 45 per cent of tide-water prices.

Q. This contract you refer to is a contract made with the companies?—A. Yes.

Q. Your product is all sold to them?—A. Nearly all. Of course occasionally we sell a few cars outside.

Q. They market it?—A. They market what they take under these contracts.

Q. And the producers get 60 per cent?—A. Yes; 60, 45, and 32 per cent, respectively, of tide-water prices.

Q. Is there more than one carrying company with whom these contracts are made by operators of your field?—A. Yes; I think eleven.

Q. (By Mr. PHILLIPS.) Can you give the names?—A. Of course they have been consolidated. I could give the names as we used to know them; for instance, used to be the Delaware, Lackawanna and Western, Pennsylvania Railroad Company, Delaware and Hudson Canal Company, Philadelphia and Reading, Lehigh Valley Coal Company, Central Railroad of New Jersey, Pennsylvania Coal Company, Erie Railroad Company, New York, Ontario and Western Railroad Company, New York, Susquehanna and Western.

Q. Do they have an agreement among themselves, that is, the railroads, to allow each one a certain per cent of this carrying to the trade?—A. As nearly as I can judge. Of course, we, as operators, do not get into that circle. We sell the coal to them at the colliery. The railroad companies govern that themselves. There was an understanding by which, a few years ago, they allowed to each one of those interested a given per cent of the trade, and that was based upon what they had been in the habit of placing on the markets the previous year or two.

Q. Are they now or have they ever been competing with each other in regard to carrying?—A. Only at odd times. They always complained that the other fellow was not living up to the per cent allotted, etc.

Q. (By Mr. RATCHFORD.) Do you understand that these carrying companies have any mutual association by which prices of transportation and the price to the operators are regulated?—A. Well, I can not say as to uniform organization, but there apparently is an understanding.

Q. Where is the general market for this coal?—A. Most of it in New York City, though some in New York State; considerable in Philadelphia, Baltimore, and often at Washington.

Q. Is this method of disposing of your product to the railroad companies a matter of voluntary action on the part of the coal-mine operators, or is it brought about by force of circumstances?—A. When that contract on the basis of 60, 45, and 32 per cent was first brought about a few years ago, it was considered a very fair deal, as most every operator would prefer to sell to one man rather than to carry it all over the country, or, rather, trade in the different markets. In that way they take upon themselves to furnish cars; they put them in and sell the coal and pay us our money, whereas we would have to have several agents if we sold it ourselves.

Q. Is that plan equally acceptable to the operators to-day?—A. It is not.

Q. (By Mr. PHILLIPS.) Do you regulate the output of the various mine owners?—A. We do not regulate it.

Q. Each company is allowed by this railroad combination a certain per cent of its capacity?—A. Yes. These companies have an understanding that each railroad company shall carry a certain per cent. There is an agreement upon a certain allotment; the Delaware, Lackawanna and Western was allowed 13.35; the Pennsylvania Railroad Co., 11.40; Philadelphia and Reading, 20.50; Delaware and Hudson Canal, 9.60; Lehigh Valley, 15.65; Central Railroad of New Jersey, 11.70;

Erie Railroad, 4.00; Pennsylvania Coal Company, 4.00; and New York, Ontario and Western, 3.10; the Cox interest, 3.50; the New York, Susquehanna and Western, 3.20. Those were the understandings between them, and they try to live up to them. In proportion to the number of collieries, they fixed the number of cars to be distributed, and we have but very little to do about it.

Q. Is there any discrimination noticed in the distribution of cars?—A. Well, yes; in this way: The great trouble in the anthracite region, which I regard as the key to the whole situation, is the policy adopted by carrying companies without considering the welfare of the employees. They had a great time in talking and adjusting the percentages. It took them a year to get at those figures. They have never been satisfactory. These percentages are not equitable. Some of the collieries make as high as 250 days a year, while others make 100 days. The great trouble in that is this: The employees who make 100 days will go to work where they can make 250, and the result is the men are constantly changing. These are small companies, and they can not help themselves. For instance, we had a colliery last year that made 100 days, while right adjoining us there was a colliery that made 220 days.

Q. You believe that is due to an unjust rating as to the amount of their capacity?—A. Yes. For instance, the Delaware and Hudson rating, 9.60, should not have been over 8 per cent.

Q. Who does this rating?—A. Individuals connected with these companies, generally the vice-presidents of the carrying companies. As to the remedy for that, I think we have always argued that matter from the tonnage. The market takes about forty-five million, and the producing capacity is about sixty-five million of anthracite coal. I hold there is but one way to adjust that—let the tonnage take care of itself, and let the employees of the anthracite region make about the same number of working days. Then the employees will be satisfied, and the operators will be satisfied. The percentage, I think, should be based on the working days. The average number of working days last year was 142. But some collieries make 100 days, and some do not make over 90, while some others are allowed to make over 200.

Q. (By Mr. FARQUHAR.) Do all those eleven transportation companies own mines?—A. Well, yes; but not under that exact name.

Q. Granted that nine-tenths of these companies own their own mines; you outside operators must take what is left of this pro rata?—A. Well, no. Suppose I give you an illustration of what I mean: We will say the Delaware, Lackawanna and Western, Lehigh Valley, and Philadelphia and Reading companies get together; they can control the situation. The New York, Susquehanna and Western get 3½ or 4 per cent, you know. The Lehigh Valley takes 15.56. I am not prepared to say what the percentage should be. The ground I take all the time is that I do not care anything about the percentage; but the employees of the anthracite should work just the same time, or about that. I think justice demands the employees ought to be considered in preference to the corporation. It keeps them all satisfied; they are generally satisfied if they are working just the same time. They can not get full time; it is utterly impossible in the anthracite region. I think the only way to restrict is to allow the employees to work the same time. Instead of taking tons, take days. The original understanding was based upon what they had been mining for the past couple of years, and that was what these percentages were figured out from. If placed on the time they make, and it was understood among the employees that we divide the time, the tonnage will take care of itself.

Q. Are you prepared to say that it is unfair toward the mine workers themselves and just as unfair to the independent operators and the smaller carrying companies who own coal mines likewise?—A. I am prepared to say this, that the situation to-day stands in the hands of four or five companies. Take the Delaware, Lackawanna and Western, the Lehigh Valley, Reading, and Central of New Jersey—they control the situation; give the cars as they please. My recollection is that the Delaware, Lackawanna and Western averaged over 200 days last year, while the average of the anthracite region was 142 days.

Q. (By Mr. RATCHFORD.) You stated, I believe, that the coal companies who are separate from the railroad companies are obliged to take what was left in the way of cars. Now, in this you have large and small companies; do you find that the larger companies in any case get preference over the smaller ones from railroad companies that are not connected with them directly?—A. Really, there are so few that are not in one or the other of those allotments; for instance, we send 200,000 tons a year to the New York, Susquehanna and Western. Even though we control no trade, we are considered in that allotment, and the result is our companies get cars according to the percentage allotted to that road over which coal is shipped.

Q. Is there much variation in the producing capacity of a miner in the anthracite region?—A. Yes; there is a great difference in the producing capacity of a miner, particularly when you take the number of laboring days. Some people can do in 6 or 7 hours what others can do in 9.

Q. If it be true that there is not much variation in the nature of the coal veins, then, if there was a proper rating as to the capacity of your mines, I mean an equitable rating as between all operators concerned, it would lead to the same results, or practically the same, as if the distribution were made by days of work, would it not?—A. Yes, it would, and would not. You can change the days of work, whether you make it 8 or 10 hours. I would rather see them cut everything to 8. As a matter of fact, 8 hours is a big day's work in the mine. I am not much in favor of 10 hours for miners and laborers.

Q. Are you of that firm belief?—A. I am, honestly; and there is another thing: No matter what the adjustment is in the percentage principle, you see that can not continue forever, because men make changes. Our breaker will have a capacity of 100,000 this year. I am going to put 200,000 through next year, but in the meantime there is no rerating. It is simply a question of plain counting.

Q. Under the system of rating by percentage there is no incentive to increase the capacity of your mine; in fact, if the capacity falls off you get an additional number of days' work.—A. Yes.

Q. Have you had any instance in your region in which a coal company stayed out and refused to sell to the railroad company at the prices fixed?—A. We have not, until here lately. They take the coal; we do not refuse to sell it to them, but refuse absolutely to renew all contracts run out. In this case we refused absolutely to renew contracts under the old basis, simply because it is so unjust in this light. We find, at the rates bituminous coal has been hauled in there, and all over, and at the rate charged us for anthracite as compared with bituminous coal, that we can not live unless we come down in price to compete with it, while the railroad companies might live. Now, the advantage on the part of the owners of a railroad is that we simply get a profit at the mine, if there is any, while if railroads do not make anything there they do on carting it, for the price for carrying anthracite coal is about 10 mills per mile, while the average rate for bituminous coal is in the neighborhood of 2½ mills. That is one of the leading troubles in the anthracite region. If they carry anthracite coal, we can not see why they can not carry it for the same price that bituminous is hauled. It ought to be the same.

Q. If the operators in your region who have coal to market should send their coal and pay the railroad companies their price for transporting it, what would be the result?—A. Of course they probably would furnish you cars, though we have instances where we have ordered cars, I guess 2 years ago, and they simply make a polite reply that they have no cars. Take, for instance, the Delaware and Hudson; we have ordered cars time and again, and our collieries are connected with their tracks. I do not think we have had 10 cars in 2 years. We must sell at what we can get.

Q. The operators of mining properties along these lines have no alternative but to allow railroad companies to dispose of their product?—A. That is about the essence of it.

Q. Does the man who invests his money in mining property, and digs the coal to the surface and loads it on a railroad car, have any say as to what it shall be sold to the consumer for, or do the carrying companies fix the price to the consumer?—A. They do; for instance, you saw in the paper yesterday where they regulated the prices for May.

Q. You get 60 per cent?—A. Of whatever they agreed upon. We have to take their word for that.

Q. That being the case, is it or is it not a fact that the coal producer of the anthracite region, who is obliged to deal with such surroundings, is simply the crushing power between the railroad company and the miner?—A. Yes; I understand, I think, what you mean, and I would reply to that something like this: We are between two millstones. Men who are engaged in the business can not see. It is impossible for them to conceive how some collieries right there are making so much more time than we are making. That is the great trouble. The result is they are full of employees all the time. If there is a scarcity of employees, it is with the individuals who can not give as much time.

Q. (By Mr. PHILLIPS.) You said the railroads made a price for the month of May just lately. How do you know the price they obtain for that; do they make you a written statement?—A. They make us a written statement. In some contracts there are provisions by which, if you desire it, you can get the president to swear to it, but that clause is in but very few. It does not make any difference.

Q. (By Mr. FARQUHAR.) Even if you knew you would have no remedy.—A. That is the point; we have no remedy; and the moment we get in a quarrel with them we strain the situation.

Q. (By Mr. RATCHFORD.) Does the price for which your coal is sold to the consumers by the companies who carry it from the mine to the market determine the price to be paid for mining it?—A. Yes; due to the fact that we in turn are governed by what they pay for mining, and they govern that themselves, so we are right in their hands all the time. Suppose we attempted to run a rate scale 5 per cent below them, of course we would expect that our men would strike at once. That is a policy that is carried out in all regions there. We follow and agree to pay about the same as the Delaware, Lackawanna and Western and Lehigh Valley; whatever they pay we feel satisfied, whether we make or break by it.

Q. (By Representative OTJEN.) I understand that these railroad companies that own their own mines, work their mines more days than mines are worked which are owned by other people?—A. They do; and under what they consider a fair adjustment of capacity. We had two collieries placed on a certain line—Delaware and Hudson—connected with the Delaware, Lackawanna, and Western; now these companies understand each other. We made at these two collieries 108 days, while the Delaware and Hudson collieries averaged a little over, I think, 200.

Q. Nearly double?—A. They fixed the percentage, and, as I say, they get the great majority in the division of cars.

Q. You think it impracticable to allow mines to run their full capacity?—A. Yes.

Q. There is not sufficient consumption?—A. I think the market took about 43,000,000 tons. I am inclined to think it may take a little over 45,000,000 this year. About one-third of the coal-producing properties or companies engaged in the anthracite business in the State are in the same situation as ourselves.

Q. And the other two-thirds are connected with the railroads?—A. Yes.

Q. (By Mr. FARQUHAR.) You mention that the average working days in the anthracite region last year was 142 days?—A. That is what it actually was, counting all the mines in the anthracite region—a total of 374.

Q. Can you give the average wages of the mine workers?—A. Yes. Six cars is supposed to be a day's work. That is the allotment. They have agreed upon that.

Q. (By Mr. PHILLIPS.) State how much is held by the cars that are used in the mines.—A. They will run from 1½ to 2 tons; they differ in size in different collieries, and that has been in vogue for, I suppose, 30 years. Finally, the men agreed among themselves in the Wyoming and Lackawanna regions that they would not load over 6 cars.

Q. (By Mr. RATCHFORD.) Are they paid by the ton or car?—A. Both. In our case we pay them by the car They are paid both ways.

Q. What is the ruling price by the car?—A. Well, those cars range, I would say, from 75 cents to $1.20; that is, running from 1½ to 2 tons. Of course, very much depends on the nature of the vein. For mining in a 4-foot vein we have to pay a little more than for mining in a thicker vein, with less impurities.

Q. The average wages of miners in your district—the day's work is 6 cars; the fellow who helps gets one-third; suppose this is $1 a car; he will get $2, and the other fellow gets $4, and he buys all tools and supplies out of that; so that while the laborer is making $2 the miner is supposed to make about $2.50 or pretty close to that?—A. Of course, you have to take the general average to get at it, for different mines differ in price. It is very hard. In some places it is contract labor; some places day work, and in some places instead of working days full time they work 5 or 6 hours; so you can reduce it in proportion. That is a great drawback. Failure to bring about full time should be adjusted so that employees of the anthracite region, about 150,000, should be considered in the adjustment of the conditions of the coal trade, and if they all worked about the same time, even for only 142 instead of 200 and 250 days, they would be much better satisfied with their condition.

Q. You have said that the transportation companies fix a price to the consumer.—A. Fix the price to the consumer. There are individual operators who are shipping where there are two or three mines connected with a particular road, and putting the coal on the market. You can hardly say coal companies fix the price—indirectly they do.

Q. (By Representative OTJEN.) Substantially?—A. Yes.

Q. (By Mr. FARQUHAR.) When the independent operator sends his product to the market by one of the railroads of the mining combination, is the competition in the market conciliatory between the two, or does the independent operator, by

force, have to sell at the rates laid down?—A. Yes, they must; due to the fact that the capacity of production is 20,000,000 tons more than the demand of the market.

Q. (By Mr. RATCHFORD.) Does the variation in market prices affect the cost of transportation?—A. Transportation has been the same for years.

Q. If the transportation company practically fixes the price to the consumer and always receives 10 mills per mile for transportation, is there or not an incentive on their part to keep the mines running, though they know they are disposing of the product at ruinous prices?—A. Exactly; that is correct. They carry, say, thirty million. Suppose they lose $1,000,000 this year on coal mines; if they make four or five million on their roads through keeping up their rate, they can afford it. They would be the gainer. The great trouble, as we see it, is this: that it is constantly curtailing the market for anthracite coal, due to the fact that they can not get $5 for coal as we did years ago, since bituminous increased to such an extent.

Q. (By Mr. FARQUHAR.) Is it a fact that these large transportation companies own and control both the rail and water transportation?—A. Well, they do in this way, that we have no method of getting it to the water except over these lines; hence they control the whole situation.

Q. Do not they own their own line of carriers?—A. They do, largely,

Q. (By Representative OTJEN.) Has this question ever been called to the attention of the Interstate Commerce Commission, the fact that the railroads charge for one coal a higher price than for another?—A. Yes, but they claimed they had not the power to regulate it; that they need more power in order to regulate freight rates. Cox Bros. & Co. sued the Lehigh Valley. The commission said, calling the case up, that while it had power to say when a rate was excessive, and it could name a rate that was reasonable, it had not the power to enforce it; so the result of the suit was placing Cox Bros. & Co. where they were before.

Q. (By Mr. KENNEDY.) It seems from your testimony that the independent producers, constituting one-third, to which class you belong, are almost entirely at the mercy of the two-thirds who have connection with the transportation companies. Is that so?—A. Yes.

Q. Then, why do they permit any of your coal to go to the market?—A. The only reason I can assign is that that would be too flagrant a violation of decency; that could not stand.

Q. They have it in their power to do that?—A. Yes, except a greater power steps in under such a radical situation and helps us.

Q. You mean Government control?—A. The Interstate Commerce Commission should be given power sufficient to regulate these things.

Q. (By Representative OTJEN.) I suppose you would be entitled to cars, and the question would be whether the railroads were able to furnish the cars?—A. Well, you could go along the lines and find thousands of cars resting in different freight yards; we ask them for cars and they will write us that they are short of cars just now.

Q. (By Mr. RATCHFORD.) What has been your experience in regard to railroad companies justifying themselves in discriminating against any operator by refusing him cars?—A. I do not know, ordinarily, what to say to that; of course, it is nothing more or less than, "We have the whip and we will use it to the extent we think best in our own interests."

Q. Can they always advance reasons rather difficult to disprove?—A. Oh, yes. Of course, there is very little honor among those larger companies. They want to regulate and will regulate this product. Of course, they avoid and evade the truth very often in order to avoid getting in trouble, you know. But we know, through experience, about how these things go. We are simply in the hands of the coal-carrying companies who have large interests in coal mines. If we go into a fight with them the first thing you know they knock down coal half a dollar a ton. Suppose they lose $100,000 in a fight, you never see them knock down rates on railroads.

Q. (By Mr. FARQUHAR.) Freights have never changed?—A. It is in their power, in other words, to run their coal mines at a loss and make a magnificent profit on their railroads; and that will close every one of the independent operators. You see the situation. It is in the power of these coal-carrying companies who own coal mines and railroads, which carry coal to the tide as well as to the lakes, to close up every independent operator in this way. They can so reduce the profits on coal and keep up freight rates that they can lose the profit on their coal and yet make a magnificent profit on their roads. That is the situation. It is due to excessive freight rates.

Q. (By Mr. RATCHFORD.) Do you believe that it is an injury to the coal trade

from every standpoint, excepting, of course, that of those who are directly profiting by it, to have coal mines owned and operated by railroad companies?—A. Yes; it is detrimental to the best interests to have a railroad having a large interest in coal mines and, through that railroad, controlling the situation. Those railroads control the anthracite region absolutely.

Q. (By Mr. KENNEDY.) This power, then, which you are speaking about, has been so absolute that it has enabled them to gather in the coal mines in the different regions there at a comparatively small figure?—A. Yes, they have bought very low. Take the Philadelphia and Reading, for instance, and the Delaware, Lackawanna and Western. The Reading, for instance, owns about 90,000 acres, I should say, of coal territory. Every foot of it does not carry coal, but it is in the coal fields and was bought for coal lands and bought very cheaply. Now they are operating on from 15,000 to 20,000 acres. Of course they pay a royalty on all the rest—on the unmined coal. That means hundreds and hundreds of thousands of dollars paid in advance as royalty for coal which probably will not be mined in 50 years from now. They never could do that except by having an excessive rate on something; and the freight rates keep it up.

Q. (By Mr. RATCHFORD.) Do they own the surface?—A. In most cases they do; in some cases they do not; but they own the coal, and that is equal to controlling the situation. You often see it reported that the Philadelphia and Reading lost $200,000 or $300,000 last month. Whatever it may be, under the conditions it is not surprising at all. What they are paying for this undeveloped territory—taxes and everything—makes their fixed charges enormous. If you are operating an acre and have 4 or 5 acres that you are doing nothing with, and the acre must carry it all, you see you lose money. When you see it reported that they have lost money, that is true; it is true that the fixed charges, due to the policy adopted of getting everything that they can get hold of, make it heavy on the portion they are operating.

Q. (By Representative OTJEN.) If they were operating it all they would not be losing money?—A. That would be very different. That is an extreme case, when I speak of the Philadelphia and Reading operating a small proportion of the property compared with the portion that is undeveloped.

Q. (By Mr. RATCHFORD.) Have you given any consideration to the question of taxing, such as has been proposed in some of the States?—A. Not very much. Of course the rule is to tax these properties in different counties at different valuations. Whether that is equitable all around I am not prepared to say. I can simply say what the ordinary colliery tax is now—about $2,000, open and developed; and there are 374 of these, and a very large territory undeveloped. What that taxation is based on in different counties I do not know.

Q. (By Mr. FARQUHAR.) Is it subject simply to the county assessors?—A. Yes. In some cases they regulate them upon the number of feet in thickness. Suppose there are five veins and in those five veins there is 30 feet of coal, they then place a valuation on the coal per foot in thickness. Other places they take it per acre without regard to the thickness of the vein. That depends entirely upon the commissioners or assessors, or the policy which they adopt in different counties.

Q. (By Mr. RATCHFORD.) You are speaking of the coal which is undeveloped?—A. Yes, generally. Suppose you take the assessment of 25 acres of unmined coal. So much is assessed on the plant. They rate those anywhere from twenty to forty thousand, then so much per foot in thickness on the unmined coal. In our county they make the assessment every 3 years. In the third year the engineer goes over the map with the commissioner, and usually the maps are sworn to, and they make the deduction.

Q. (By Representative OTJEN.) Have you had any strikes in your region in the last few years?—A. No general strike; some small local matters; nothing general since 1877.

Q. (By Mr. FARQUHAR.) What have been the economic results of strikes and lockouts?—A. There is nothing about that that you do not know—the physical suffering to the employees, etc.; to employers, loss of business and profits; to the community at large, restriction of business and tendency to violate laws, generally started by men who have no families. That we find. As to boycott or blacklist, we have very little of that. They have had more of that in the central coal region.

Picketing and patrolling is usually done by police, who guard and protect property. Results are influenced through conferences, with the view of mutual understandings, the hiring of workers who are nonsympathetic with strikes, and the closing of works until the old employees seek, from poverty, their places. Sympathetic strikes are frequently known to aid the original strikes.

Q. What have you to say on the importation of new or foreign labor under contract or otherwise?—A. There is no foreign labor under contract in the anthracite region that I know of.

Q. What nationality prevails in your mine?—A. There has been a great change in that region. Formerly the Irish and the Welsh predominated. There is now a very large per cent of Hungarians, Polanders, and Italians—the three races that have come into the anthracite region in and about Scranton. Ordinarily, you might say those two first-named nationalities predominate.

Q. (By Representative OTJEN.) Have they come in gradually, individually, or have they been brought in in numbers?—A. Oh, I do not think there has been any attempt to bring them in wholesale. They come in with the train to-day and to-morrow they go to work. That has been going on for years, and in some collieries they predominate. In some collieries they have scarcely any miners outside of those two nationalities. But that occurs more frequently in out-of-the-way places, where they have a few houses put up and where they are huddled in. The other nationalities will not do that, so they get a large number in the smaller places who will put up with inconveniences. That class goes into places where the other class will not go.

Q. What classes are those?—A. Poles, Huns, and Italians. There are a few Swedes, but not so many. Those predominate in certain collieries. In the anthracite region, as a whole, the Irish, Welsh, and Germans, taken together, form the predominant element.

Q. (By Mr. RATCHFORD.) Do those people make as good miners as those that originaly inhabited your region?—A. Not as good, as a whole. Of course, you will find once in a while a Swede or an Italian who makes a pretty good miner.

Q. As a rule, they are not as good as the others?—A. Nothing to compare.

Q. What are the influences of importation of miners under contract?—A. I think it is detrimental. There is no lack of laborers in this country, so far as we have been able to discover.

As to wages and methods of payment—I remember at one time our State passed a law that left it optional to pay every 2 weeks or every month. Some liked the 2-weeks arrangement. We rather inclined toward it, but the great majority preferred the monthly arrangement, and I am free to say we did ourselves. That class of laborers must have a day, or 2 or 3, you know, after pay day; and if they had their pay twice a week there would be the same condition to contend with. We have always used the monthly method, which I believe to be the best, due to the classof labor employed and their habits. Those people come from those countries where they have 10 holidays to our 1, and pay day is practically a holiday with them.

Q. (By Mr. OTJEN.) What have you to say of time work, piecework, overtime work, and task work?—A. For time work we pay a certain rate per day of 10 hours; for piecework, a rate or price mutually agreed upon; for overtime, usually one and one-half rate of time work; no task work. We do not use the sliding or the minimum wage scale in that region. We do not issue store orders, nor do we have fines and penalties.

Q. (By Mr. FARQUHAR.) Is there a system of store orders in your State?—A. There is what are called stores connected with the company, or some individual connected with the company. As to their method of dealing, doing their business, I do not know; but I will tell you what I think. Years ago the Reading, for instance, used to issue store orders. I have seen them. But up there we never had such a thing. I have known the Reading to issue orders for payment to their men.

Q. (By Representative OTJEN.) Do they now?—A. No; there has been nothing of the kind for some time.

Q. (By Mr. FARQUHAR.) Do the men owning the mines there erect tenements and rent them to the employees, or are the tenants free to go where they can shelter themselves?—A. Oh, yes; perfectly. The great trouble is they want those houses. For instance, we have 46 or 48 houses at a colliery, and the great trouble is—if we had a hundred I guess they would fill them. There are houses around, but they get them of us a little bit cheaper. For instance, an individual would charge $8 for a house where we give them a house and a ton of coal every month for $6. That is just about what we charge them for a house and coal. There are many instances of the kind. I do not know that many give them coal, but that is the way we do. Others, again, charge them so much and the men pay for their coal. There is a great inclination among the employers to put up more houses.

Q. At the same time the miners are free to hire tenements elsewhere?—A. Oh, they do; we have them everywhere, you know. I do not believe we have ever erected a house except at the special request of the men. We have in our colliery now men who want us to put up 10 or 12 houses, but we would prefer them to

have their own houses, because they make better employees, become steadier and more stable.

Q. (By Mr. PHILLIPS.) What is the condition of tenement houses generally in the anthracite region as to sanitary conditions, rooms, etc.?—A. I confess that perhaps they are not what they ought to be; could not be for the money. If we put up a house a little more costly and asked a little more, they would take the smaller house. Usually two rooms on the lower floor and a wash shanty outside.

Q. One story or two?—A. Two usually.

Q. Two rooms downstairs and two up?—A. Well, no; they divide up into about four sleeping rooms in two large rooms downstairs.

Q. (By Mr. C. J. HARRIS.) If you put up more expensive tenements at a higher price, they would probably take these cheaper ones in preference?—A. I think for the last few years that is about right. I do not believe to-day that our men could live and pay much more rent, because they are not able to work full time, because of the condition of the market. The conditions from a sanitary standpoint are very bad. When a lot of these foreigners go into these houses, you may find one little family that is clean and nice, and right adjoining it there is the essence of filth.

Q. (By Representative OTJEN.) How do the tenement houses owned by other people rent usually?—A. The average houses of the other parties are a shade better, average better, but they charge much more. I was just speaking about tenement houses. Different companies have different methods. We prefer not to have a single company house around the collieries. It is true we have bought collieries that had those houses, but very few were put up by ourselves. We have substituted some for those burned down, two or three or four of them, from time to time, and we charge our employees $6 a month for the house rent and a ton of coal, furnished whenever they want it, once a month. Whatever they buy over that ton of coal they pay for.

Q. (By Mr. RATCHFORD.) I understood that you said the company had no stores?—A. No. That is to say, there are stores which parties interested with us are running; and many will call them company stores—you know how that is—but the company has not a single dollar in any store.

Q. Are those parties related with the mining companies in any business way?—A. Oh, yes; in certain things they are; probably may be connected in some business way, but I do not know anything about it—different stockholders.

Q. Does the mining company deduct from the miners' wages, in such cases, bills contracted in the store?—A. In our case, so far as the coal company is concerned, the store company asks permission to do that. What we told them was this: That if they would get the consent of the men in writing that they wanted it we would do it, and in nearly every instance they entered into the contract with the company. I mean that where they had it in writing we allowed deductions to be made.

Q. How do you regard the influence of the company store on the trade as a whole; do you regard it as something beneficial or injurious to the trade?—A. To a large per cent of the employees it is probably beneficial, but to the families, which is the larger per cent, I question very much whether they are benefited or not.

Q. Is it a fact that in some cases prices in the company stores for the necessaries of life are extreme?—A. That has been so, and is so in certain places yet; but in our community, for instance, now, there are hundreds of stores in a big city there, and they can not do it, you know. They have to go pretty near the rate. They say that this company and that company are crowding their men, or some official of the company, or either the store or tenement; that they will get a few cents more on this or that.

Q. It mostly rules where there is no outside competition, if at all?—A. Yes; you will find collieries located in the interior some place where they have not competition. I presume there is a little advantage taken in that way.

Q. Where one operator has a store, and resorts to these extreme measures, and a neighboring operator gets the same mining prices, same rate of transportation, as well as his product at the same prices as the man who is keeping the store, is the latter not at a disadvantage in disposing of the product as compared with the other fellow?—A. Yes; the storekeeper, wherever he may be, has a little advantage.

Q. And if it comes to a question of the survival of the fittest, the man without the store would have to close his mine?—A. The man with the store would have a little advantage.

Q. Would you not go so far as to say that the man without the store would have to go out of business?—A. If either had to get out, he would have to get out first, I suppose.

Q. (By Mr. KENNEDY.) How is powder furnished to the miners; by the keg, usually?—A. Yes.

Q. Can you state what it would cost these storekeepers or miners by the wholesale?—A. The storekeepers never buy powder. The company furnishes all the powder. We buy that.

Q. Can you state about what you can get it for at wholesale, by the keg?—A. Why, I declare I do not know. There has been a little change in that price.

Q. Is it about 90 cents?—A. No; they had it at $1.50, then they made it $1.40 or $1.35. I think the price is $1.25. But it is lower in the Schuylkill region. You were pretty nearly right.

Q. Ninety cents?—A. It is $1. That is my opinion.

Q. Our information is they charge the miners $2.50 a keg, and they get it for $1.20 a keg.—A. This arrangement is nearly 25 years old. They were trying to get $1 a car for mining in that region. They wanted two things: First, $1 a car; and they wanted a guarantee from the company that they would never advance the price of powder over $3. They compromised, and the company agreed not to advance over $3 for powder, no matter what it was, and it ran up to $3.25, but they never raised it. The miners got the same and the companies never changed the price, and never changed the price per car, but they have lowered the powder. That is the old agreement, under which they had a right to do that; 1877 was the date of that agreement.

Q. (By Representative OTJEN.) Are there any mines operated there where they require the employees to buy at the company store?—A. I do not know. I could not tell you about that. I suppose there are some probably unreasonable, domineering foremen or superintendents who take advantage of circumstances all through. I think there is much trouble brought about by overbearing, domineering officials.

Q. Where the company collects or allows the amount to be deducted for the employees, do the stores pay them a commission?—A. I have heard that they collect for a given per cent, say 5 to 10 per cent; that I have heard. What is the question 23?

Q. (By Mr. C. J. HARRIS.) What would you say is the influence of organized labor on wages?—A. I should say little, if any. My impression is that it has given wages greater stability and steadiness, due to the fact that companies do not want to enter into controversies all the time with the men; and where they have been organized they have been able perhaps to regulate things, I believe, a little steadier than before we had organized labor. The increase and decrease of numbers employed I do not think has had much to do with it. I think it has given it a little steadier line. That has been my experience, as I say, in the anthracite coal region.

Q. (By Representative OTJEN.) Has the social condition of labor in your region in the last fifty years improved?—A. Yes.

Q. It is better now than it was some years ago?—A. It depends upon what you mean by better. I am not prepared to say that they are making more money out of mining. The community, outside of these later comers, has become more refined. Their families are getting on better. They are educated much better than they were; and, generally speaking, the social condition of those who have been in that country has improved. They are more refined. I do not say they get more wages.

Q. (By Mr. RATCHFORD.) Do you think they are spending what they do make more judiciously?—A. Yes. I think that part is due to the public school.

Q. What is the social condition of this class of miners that you spoke of a little while ago from the southern countries of Europe?—A. We can simply express it in a word; that is, as we look at it. They do not seem to measure up to the standard of cleanliness and law abiding as the older people do. I think there has been a wonderful improvement in the Irish, Welsh, and Germans, which largely predominate in the anthracite region.

Q. (By Representative OTJEN.) Do these later comers tend to show improvement after they have been here a while?—A. Yes. At a place called Nanticoke, where the Poles predominate—quite a number of Hungarians and some Italians, but the Poles predominate—those that have been there a number of years catch on gradually to American ideas, and their children—probably the superintendent there can tell you about those things. He says that they are just beginning to get anxious to send their children to school, and they are gradually becoming educated; but of course they have not advanced to the standards of these others yet. The worst thing we find is their filthiness. They will not keep themselves clean. I am speaking generally. Of course there are exceptions.

There has been an increase of employees. There have been odd spells when the

market was very dull, but generally speaking there is no excess to-day in the anthracite region of employees. We would be glad to hire 100 or 150 to-day or to-morrow if we could. I am speaking of certain collieries. Where they are surrounded or near a large town it makes it easier. But where the collieries are located a little farther from a large town it is harder to get them. They are like all others, you know, drifting toward a large town.

Q. That would be only for a part of the year—employment with you?—A. The wages are not so bad. I do not think there is much complaint on them. Everything would be reasonably smooth if the production was not so great.

Q. If there were more days of labor?—A. If the consumption was nearly equal to the production, which it is not. It is only about two-thirds, and hardly that.

Q. (By Mr. KENNEDY.) You say you could employ a hundred or two more men and would like to do it. That would indicate that you are not getting out a production that you could not dispose of. Is that so?—A. I could put those men to work outside of the breaker. But I am speaking of miners. In this class that come over there are very few miners. They have to go in and load coal, and gradually be educated to it that way. I am now referring to localities where it is not fully developed. This colliery is right on the line of the Delaware and Hudson. While we have houses there, they prefer to drift to the larger towns. I am only speaking of particular cases. I do not think there is any excess to-day. I saw it stated in one of our papers here the other day that it was doubtful if we would not be short of hands. We are only working a short time now. The consumers won't buy until they need the coal, anyhow.

Q. (By Representative OTJEN.) Are there any children employed in the mine?—A. Yes, of course; under the law we can not employ them in the mines under 14 years of age. We can not employ them outside under 12 years of age—in the breaker, for instance.

Q. And the law is enforced, usually—it is lived up to?—A. I am inclined to think it is, pretty generally, though it may not be lived up to as it should. If a little boy comes and asks for work, if he is going to work outside we will ask him how old he is. Of course, if he says he is 12 when he is not, and it is doubtful, we tell him he must bring a note from his father, showing his age. If he says he is 12 then he takes his chances, and not us. We are obliged to do that under our State law.

Q. (By Mr. RATCHFORD.) Whose duty is it to enforce the laws with reference to the employment of children?—A. The mine inspector's. There are 8 or 10 mine inspectors in the anthracite region. They are employed at the rate of about $3,000 a year for a given number of mines, and it is their business to make inquiries and do their duty.

Q. Can you state in a general way, and as fully as you care to, as to the work of this mine-inspection department?—A. I should say that the great majority of them are really giving their attention honestly to do all they can to carry out the provisions of the mine-regulation act under which they are acting. Of course, there are some that are not giving the attention they should, just the same as any other line. You have all sorts of cases. It is their duty under the act to visit the mine at least once a month.

Q. (By Mr. FARQUHAR.) Do you think their inspection is impartial, or is there a kindness sometimes shown to the operator?—A. I have sometimes thought so, but generally speaking the majority of them are conscientious and try to do the fair thing.

Q. (By Mr. RATCHFORD.) Has it come to your notice, the claim that is so frequently made with reference to the mine-inspection department, that politics enters into the branch of inspection entirely too much?—A. I think there is some truth in that; that there is a little too much politics. Of course, there is another factor; oftentimes corporations use their influence for some person, and I think perhaps the average man will not be quite so severe where a corporation has aided him a little. I think that is another factor which is sometimes detrimental to the man's being absolutely free to carry out his inspections.

Q. (By Mr. FARQUHAR.) Are there frequent changes in the inspectors?—A. No; they are passed through a regular examination; supposed to be an impartial examination, like all other examinations. The highest, if the thing is fair, is appointed. He is appointed for 5 years; that is, he is recommended by the board of examiners to the governor, who appoints upon this recommendation.

Q. (By Mr. RATCHFORD.) Is the rule or principle of competency usually or always followed in the selection of these inspectors?—A. No, I do not think it is.

Q. That would seemingly be a bad influence for operators and miners and property involved.—A. Through some influence or other it is not always the best qualified man who is placed in the position.

Q. (By Mr. KENNEDY.) We understand that you have no screens in the anthracite region; but we understand there is a system there that the miners complain of and say it is more of a curse to them—to use their language and adopt their view of it—than screens in the bituminous region, and that is, where some officer employed by the operator condemns carload after carload of the coal which has been mined. Perchance some impurities have gotten into it which, in consequence of the smoke being so thick they can not see. Can you say something about that dockage system?—A. Yes; there is really but one remedy that I know of to cover that. As long as mining exists you know the miner will claim that he is wrongfully docked, while the operator, or the official who is looking after that, will claim that he is trying to do what is right. In some instances the men will name one man and the company another, and they will agree on the docking, and even then they will have difficulty sometimes. We pay you so much per ton for every ton load of clean coal in the car. If they could all agree upon a scale that worked satisfactorily, that would be all right, because every load is weighed there and they can put their check man there to look after every mine car. That is done and a record is kept of it, and they get credit only for the coal that is shipped. That is the chief difficulty. It does away practically with docking to a great extent. I know where it was offered that way and also by the car, and they accepted that way.

Q. (By Mr. FARQUHAR.) Do all carriers there weigh the mining cars?—A. No.

Q. Have you a system of gauging the weight of the car itself by the heaping-up process?—A. They do not heap them up so much. The great trouble is, where we have paid by the ton they did heap them. Where you pay by the car the car is measured. Where the rate is being fixed by the leveler to a 6-inch topping or ordinary topping, I guess you will find they are the same all over.

Q. Have you ever known of a case of the weighmaster throwing out a car entirely because it was not up to this heaping-up measure?—A. You mean the docking, possibly. Yes, I have heard of cases. Our rule—I think it is of a fair average of them—if a car is not right you will find it in docking. The miner that does the docking is some person familiar with coal and with instructions. We always follow that. I think the docking boss's business is one of the most perplexing things we have to contend with. If you dock, a man thinks he is wrongfully docked; if you do not dock, he will throw anything into the car. Some will; I do not mean all. I can hardly say about what is the best in the docking business. We say to the docking boss, "If it is not right, dock the man;" and we ask the man to come into the office and talk it over; and sometimes we suspend the man. Sometimes the man is wrongfully suspended, due to his laborer's fault in loading the coal. It is a perplexing question, always has been, to get the exact center of it and know the equity of it.

Q. (By Representative OTJEN.) What have you to say of public-school instruction—whether it is of the proper kind?—A. Yes; we think the public schools are admirable through that region—wonderfully improved. I am not an expert on school conditions.

Q. Are the schools efficient, and have you plenty of school facilities?—A. Oh, yes; I think you will find that it is admirably taken care of through the region. As to public libraries, reading rooms, and lyceums, there are very many of those, large and small. That is properly taken care of.

As to the earnings of capital, I can only speak of mining. As to the cost of railroads and the purchase of mines, originally, I would not attempt to say anything now, because that is a big problem; but as to the earnings of the coal operators, I think, take it year in and year out, we will always have 3 or 4 months' low prices; but generally, I should say from 5 to 7 per cent, take it through and through for 50 years. I am simply giving the average. I have known men that have made 25 per cent. I have known lots of men that have lost $50,000 to $75,000 a year. That is due to conditions. Sometimes these companies get to running each other on prices and it does not take long to make a knockdown of the whole business. I remember one time when they got coal down to $2.70. We put in from $5,000 to $7,000 a month for 9 months to pay the men, and then they began to come to a better understanding. I suppose about everybody lost about all they got. Those are extreme cases as compared with other lines of industry.

Q. (By Mr. C. J. HARRIS.) Are there any laws that are detrimental to the pursuit of the coal business; that unnecessarily hamper you in your business?—A. Laws that have been passed have been beneficial when proposed and modified by persons who understood the situation. Sometimes we have had foolish laws that were not much good to either party, but by careful consideration on the part of somebody representing the labor side and another party representing the operator, we generally got together. The mine-ventilating act of Pennsylvania, in the

nthracite region particularly, entailed an immense cost upon a good many of us; know it did upon us. Probably we expended at least $100,000 just to comply vith that act; and yet I am prepared to say, after many years experience with it, hat I believe it has been beneficial. In the first place, in the mining it compels s to furnish 3,300 cubic feet every minute for every 50 men in the mine. If you id not do it, there would be a total stoppage through smoke and impurities, and n deeper mining there would be more impurities, gas and so on, to contend with. We used to think that if a man had 50,000 cubic feet of air in a mine it was a big hing. Now we have 200,000, and in the long run it is beneficial.

Q. Beneficial to both?—A. Yes; it has made things very much easier for the niners and laborers in the mines, and I am free to say that, while it seemed very ard for a time, years have demonstrated to me that it has been a very good thing or all concerned and a good thing for the community.

Q. (By Mr. A. L. HARRIS.) Do they not protect the operator in the case of suits or accidents frequently?—A. Yes; it provides that where you do not do so and so, hat practically the companies become liable almost without a suit. It makes hort work of it. For not complying with the law it is pretty difficult for a com- pany to be acquitted, and hence we all now would rather comply with the law than have these $5,000 and $10,000 suits for neglect to comply with it; and to that extent I think the provision in the act is good; besides the risk of being prose- cuted and having the suit against you altogether. Nine out of 10 of the opera- tors get fair play in the courts if they comply with the law, but where they have not complied they suffer. In the mining of anthracite coal—I am not talking about the property, the land purchased, and railroads to connect them, and all that—but in the mining only of anthracite coal the proportion is about $112,000,000 to 150,000 men. That is about the proportion. It fluctuates a little either way, of course.

Q. (By Mr. RATCHFORD.) You stated that the operators of that field had been contending for the same tonnage rate per mile for the transportation of anthra- cite coal that was paid for the transportation of bituminous, a reduction of 10 mills per mile to 2¼.—A. Yes; 2¼ is the rate now—that is the usual rate.

Q. If this reduction was granted, have you any idea what that 7 or 7¼ mills per ton would amount to on the whole product of your field?—A. The output of last year was forty-three millions. It is very easy to figure it; say it is three- quarters of a cent.

Q. (By Mr. PHILLIPS.) That is, per mile?—A. I say that.

Q. (By Mr. RATCHFORD.) What is the distance from the region to the general market?—A. About 145 miles.

Q. If this reduction was granted would it, in your judgment, reduce the price of coal to the consumer?—A. If that concession was made, it would prevent the advance. It would absolutely set aside the possibility of an advance for all three and a half coal in all probability. It would broaden the market for anthracite. In other words, we could place the coal 50 cents a ton cheaper at different points than we could without it.

Q. Would it have a tendency to increase wages or would it decrease wages?—A. I do not think it would have much effect on that, because it is purely a matter between the miner and the carrying company.

Q. Your opinion is that its beneficence would be only in extending markets?—A. Extending markets, and especially benefiting thereby both the employees as well as the employer; also all consumers.

Q. It would to that extent increase the number of days' work for every miner in your region during the year?—A. Decidedly; it makes a great difference.

Q. (By Mr. C. J. HARRIS.) And you would throw so many bituminous miners out of employment; so as far as that is concerned it would be as broad as it is long?—A. Not necessarily. The anthracite probably goes into a territory where there is no coal, and rather than pay $4 a ton a good many will burn wood. If you can get it within what they consider their reach, they will burn the small anthracite, especially the small grades, because they are cheaper. There are cer- tain districts that it is very difficult for the bituminous people to reach, and we, being a little nearer, could reach them. It might affect them; the tendency would be a little that way.

Q. (By Mr. PHILLIPS.) You spoke of having contracts with the railroads. What are the independent producers going to do when the existing rate contracts are terminated?—A. Some of them are terminated. We had one that terminated, and many others had contracts that are now terminated. They simply want us to renew at the old rate, and we will not do it.

Q. Have you any remedy to propose?—A. We do not see it yet. We are trying to bring about some remedy. What we claim is that they should give us a larger

proportion of that freight rate. We are asking for a 65 per cent contract, and 50 for small size. The old contract was 60, 45, and 32.

Q. Do you know of any way by existing law to reach that condition or have you any law to propose that would reach it?—A. No; I do not know as to that, unless it would be, if it were possible, to increase the powers of the Interstate Commerce Commission so as to enable it to regulate things that are reasonable and compel railroads to carry things of the same risk for one party just as cheaply as they carry for others. They should have the power, in my judgment, to regulate that. They claim that they have not sufficient power; that they can say what a rate should be, but they have no power to enforce it.

Q. Do the reports say that?—A. Yes; I believe that is what they said; I believe that is the exact decision; at least that is the essence of it.

Q. (By Mr. PHILLIPS.). What have you to say of the regulation of trusts and other forms of monopoly?— A. I can speak of the effect I feel, but I am not prepared to say what the remedy should be. I am prepared to say two things: The pith of the whole thing is that the system of agreement or percentage system, in my judgment, is all wrong; that it should be governed by time work of those employed throughout the anthracite region. If there is a day or two more worked by one party than another, it is very easy to adjust it. The tonnage system is all wrong. Something that would bring about uniformity of the days of work for the employees in the anthracite region, who number 150,000, is the best basis, and, in my judgment, the only true basis to place the anthracite coal region upon.

Q. What would be the condition of the anthracite region if the railroads were not owners of the mines, and each company could work independently without any discriminating freight rates?—A. I think it would be practically a question of freight rates. Freight rates would govern everything. If they carried for the same as they carried bituminous, each company would have a general agency.

Q. Would you meet this overproduction the same as you do now?—A. The same thing. You would produce too much. I think it is absolutely essential to restrict, but I think the restriction should be had in days of work, and not in tons, at the discretion of the larger corporations. That is what I wish to emphasize, because I think it is important.

Q. (By Mr. RATCHFORD.) What is the effect of the use of modern machinery in mining?—A. There is no effect on prices to speak of. It tends to increase profits and reduce the number of laborers.

Q. Have you any mining machinery in your region?—A. In so far as the mining of coal direct is concerned, we have not; but in so far as handling it in different ways is concerned, we have. The capacity of the collieries has been increased three or four times.

Q. Are the employers' liability laws of your State detrimental to the trade generally?—A. I should say they are really beneficial, though they have been detrimental to individuals here and there. They have brought about a general condition of safety that would not have existed if it had not been for the acts.

Q. (By Representative OTJEN.) The law permits you to employ children 12 years of age outside?—A. And 14 in.

Q. Is not that rather young, in your opinion?—A. I think so; we think it should have been 14 outside and at least 15 inside, giving them a little longer chance for education in their early days. The child is tender at 12; at 14 we see quite a difference.

Q (By Mr. RATCHFORD.) Have you a monthly, semimonthly, or weekly payment law, or are the terms of payment provided by law?—A. The payments were intended to be every two weeks, though the law leaves it in a way optional; but if the men demand it, we are obliged to give it. It works both ways. Most of them up there are paid by the month, mainly due to the class of labor. A large per cent of them want to get paid there two or three times, and that thing came so often that it was detrimental to them as well as the operators.

Q. What have you to say of uniform mining legislation in the different States?—A. I think that is possible. I think it is possible for parties familiar with the conditions to reason that out. While there are different phases and different conditions in the anthracite region—practically that is about all the difference there is in mining, different conditions—I think a general principle could be observed and a bill framed that might be beneficial to all the States.

Q. (By Mr. FARQUHAR.) Could there not be framed mining legislation that would be acceptable all over this country?—A. I think so.

Q. Beneficial alike to the operator as well as the mine worker?—A. Yes. Anything that is enacted which on the face of it shows that it is not intended to give equity and be equitable to the miner and employer alike can not last long until there is some change. Time has shown me that it is possible to frame a bill that

would be very satisfactory to the mining interests of the United States. It would take careful nursing by people familiar with it from the different regions.

Q. (By Mr. PHILLIPS.) Would such a law have to be enacted by the States?—A. Yes; but still be uniform.

Q. (By Mr. FARQUHAR.) If recommended by this commission, for instance——A. (Interrupting.) I think it would go a great ways toward uniform legislation.

Q. Do you think it would meet general expectation among all the mine operators of the country?—A. Yes; I think, generally, it would. I think it is possible, having representatives from the different States giving testimony and facts, people familiar with those conditions, men of large experience in connection with mining, giving what information they can, to a commission working in harmony with them, to frame a bill that would give general satisfaction and which would be taken up and followed by the States of the Union.

Q. (By Mr. PHILLIPS.) Have you any suggestions to make in regard to such a bill?—A. I should rather take up the mine-ventilation bill and go over that. That has been amended a number of times. That has been a very good bill and is to-day. I think there are chances to improve it for different sections of the State. I do not remember when that bill was passed. The anthracite bill was passed 20 or more years ago, and they have been adding to it and expunging certain objectionable features, so that they have now a pretty good law.

Q. (By Representative OTJEN.) It has grown by experience?—A. Yes; I think it was introduced as a result of experience with British bills.

Q. (By Mr. RATCHFORD.) Is it not a fact that the objections to legislation in the mining industry are very largely due to the causes that you assigned—either miners or operators, as the case may be, are prejudiced against that legislation before they give it a trial?—A. Largely so.

Q. And after they have tried the legislation it is almost invariably found satisfactory?—A. I should answer that by asking you a question: Has it not been your experience that wherever there is any legislation on any branch they hardly know how to take it? On the face of that bill, we thought it was going to be a hardship to us; that we would have to sink a shaft and put up an elevator; they said we were obliged to build it in a given time. We had no time to lose, and while that seemed very hard, I am free to say I have lived long enough and had experience enough to see that it was a good thing all around.

Q. Do the operators of your district favor conciliation and arbitration as a means of adjusting differences?—A. They are pretty well divided on that. I think it is possible. I have felt that for a good many years. The moment people get hot and the thing is carried too far arbitration is too late.

Q. Conciliation between representatives of both sides is what I speak of.—A. That has been pretty well thought of, and generally successful in our region. On the part of two or three companies there has been some little trouble. Have not had any for a long time, except little local affairs. That has been a good thing. Take that Schuylkill region. I think it is remarkable how they have gotten along, and finally gotten the sliding scale, which is a perplexing thing.

Q. How can committees representing miners and operators adjust a question of wages in view of the fact that the operators who meet the miners' representatives for this purpose have not the fixing of the price of their own product when the transportation companies fix it?—A. We have had great trouble on that question, and the only way we can get back to reason is to meet with the men. I have met them time after time on that very same subject; say to them, "If I pay you what Tom Jones and Tom Brown are paying both sides of me—my neighbors—ought you to ask any more?" We generally reason it out that way. There will be some little straw that we give and take and get it as near our neighbors' as we can. We are all governed by what those companies pay. Some operator will pinch and trim a little to get more profit from his business.

Q. If the operators in your region were free agents to transport and sell their own product and fix their own prices, would that not encourage the principles of conciliation as between yourselves and the miners?—A. I think it would. The operators would become more of self, and would not have to refer to other interests.

Q. (By Mr. KENNEDY.) Are your miners organized?—A. Not that we know of. I will say this: There has been considerable organizing, and while to-day there may be an organization which is perfect, there has not been much of an organization around Scranton for a number of years. There has been a nucleus of it, and I understand that of late they have been putting their heads together to begin to increase the strength of their organization.

Q. Do you think an operator who employs organized miners is at any disadvantage in the business?—A. No; I do not see a bit of difference. We do not know whether we are employing organized labor or not. They are pretty well

mixed. I take it that we have a number—practically half of our men—in the organization. I do not know how many; I know there are some. That is a question we do not have much trouble about. We have not found this to be the case of late years, that any unreasonable demand is made on the part of those organizations; that is, generally. If there is any fault-finding, they take it up and say: "Here, that is not exactly right; we had better remedy that." Really, we have had very little trouble that way. I will tell you where it is a pretty good thing: Generally where there is an organization, if we can understand, and we generally do, that there is a little dissatisfaction on some point, we begin to take it up quicker perhaps than if there were no organization.

Q. Would it be any advantage to the employers to have all miners organized and to fix the scale that all would have to pay, and no deviation from it?—A. I do not believe it would be any disadvantage. In the lower end of the anthracite region that sliding scale is practically open. It is really an organization of labor consulting with organized capital. They have run along quite smoothly; seem to get along quite nicely.

STATE OF PENNSYLVANIA, *County of Lackawanna:*

I swear that the statements made by me of my own knowledge in the foregoing report of my testimony before the Industrial Commission are true, and that all other statements I believe to be true.

R. G. BROOKS.

Sworn and subscribed before me this 24th day of July, 1899.

WM. W. WILCOX,
Notary Public.

WASHINGTON, D. C., *May 10, 1899.*

TESTIMONY OF MR. WALTER J. MULLINS,

Coal Operator, Wooster, Ohio.

The commission met at 11.10 a. m., Vice-Chairman Phillips presiding. Mr. Walter J. Mullins, of Wooster, Ohio, appeared as a witness at 2.55 p. m. The topical plan of inquiry on mining was followed.

Q. (By Senator DANIEL.) What is your business?—A. I am a mine owner, and manager of several mines.

Q. Have you anything to say as to the growth or incorporation of trade unions?—A. In the mining industry trade unionism has grown very materially in the last 15 years, and while I can not give the proportion of employees embraced in the membership generally, I can say with reference to my own State that probably not less than 90 per cent of the miners are members of trade unions.

Q. Have you ever been a member of a trade union yourself?—A. No.

Q. Have you formed any particular ideas as to the legal effect of trade unions, whether beneficial to the trade or those who are members of them?—A. My experience or observation has been that they have been rather beneficial both to the employees and to the mine owners, for this reason: With an organization that is managed by conservative and able men, as has been the case with the miners' organization for some years past, we have been able to form a fair basis of prices. It has made our industry more stable, and has given a certain security to our operations that we could not have had if we were troubled by local disturbances, as was the case before the union was formed and made as solid as it is now. I have been for some time rather pleased with the miners' organization. I know nothing whatever about the others.

Q. Have you had any observation as to the difference between nonunion and union labor?—A. I have not really had any experience as to that, except that two of our mines were operated under nonunion labor for a number of years and have only lately been incorporated by the United Mine Workers. I have not observed there any material difference, because they were governed largely by the labor union in their scale of prices, etc., and I could not say that there was very much difference between them and the mines operated under unionism.

Q. Have you had any strikes or lockouts in your region lately?—A. No; not for nearly 2 years. In the last 5 years we have had two or three strikes and lockouts. We have a little local affair at one of our mines at present. It is a disturbance that is purely local.

Q. Have you had any experience with arbitration in the trade?—A. Yes; have had some; not a great deal. We had a strike in 1894 in what is known as the Massillon district of Ohio—quite a considerable district, where we are interested. I think the duration of it was about 9 months. It began in February, 1894. That was finally settled through the medium of arbitration. We have a State board of arbitration, which was organized under the State law a couple of years prior to that time.

Q. Is it compulsory?—A. No; it is voluntary. After this strike had gone along about 8 months they volunteered their services and endeavored to bring about a settlement; and largely through the mediation of this State board of arbitration we finally agreed on a plan of arbitration, which was not conducted by the State board, but by a local committee of three arbitrators, and the matter was settled in that way, although the settlement was not at the time satisfactory to the miners, and they did not accept it.

Q. Is the public mind favorable to arbitration in your section?—A. That is rather a difficult question to answer. The operators, as a rule, are favorable to arbitration.

Q. How about the miners themselves?—A. I think in my immediate section the miners are hardly as favorable as they were, but they are always ready to accept the intervention of this State board; I have noticed that. I think the disappointment of this one decision had a great deal to do with making the miners dissatisfied with arbitration as a means of settlement in that section. What it is generally throughout the State or generally throughout the mining districts of the different States I could not say.

Q. Do the operators keep what is known as a blacklist?—A. I have never known of its being done.

Q. What are the nationalities of the miners employed in your mines?—A. I think possibly the majority of the employees employed by us are men of American birth. We have had men in our employ at the different mines for a great number of years, originally Irish, Welsh, English, and German. We have very few of other nationalities.

Q. You think the American element predominates?—A. Yes.

Q. Are they white or black?—A. White, altogether.

Q. Is there much jealousy manifested by the Americans against their foreign neighbors there?—A. No. As a rule, through the State of Ohio, the Americans are sons of the foreigners who were originally miners. We have not as large a proportion of the foreign element as elsewhere.

Q. You have little friction on that subject?—A. Very little throughout Ohio.

Q. Have you had any observation of the effect or use of injunctions in strikes?—A. Not personally. All I know of that is from newspaper reading and hearsay.

Q. How do you pay the wages of your laborers?—A. Semimonthly.

Q. Do you think that is the best?—A. I think that depends upon the character of the miners. Generally with the class of miners we have, and, I think, generally throughout the State of Ohio, with which district I am most familiar, I believe it is beneficial; but I do not believe it is beneficial where the men are inclined to take holidays on pay day, because it results in spending more money throughout the month than they would otherwise spend. But with the class of miners I have had to deal with, I think it is beneficial. I think it encourages them and is a very good thing.

Q. How do you pay wages?—A. We pay the miners who do the mining of the coal so much per ton. Then there is a large class of day labor (we have a large number of men who are employed by the day) paid so much per day.

Q. What is the average earning of a coal miner?—A. In our district, what we call the Massillon district, it varies. For the day's work it averages about $1.90. I should say the average throughout the State of Ohio at the present would be $1.75 a day.

Q. What would be the average for the year?—A. That varies so much on account of strikes and lockouts that it is very hard to determine. The mines there, as a rule, I should say, do not work over 200 to 225 days per year.

Q. The average miner would be paid $1.75?—A. Yes, taking all the districts, thin and thick coal, and so on. In some districts they make as high as $2.50. In our mines they make as high as $3.50.

Q. Do you have any sliding wage scale, or any minimum scale by law or rules of the craft, or anything of the sort?—A. No.

Q. Can a man support a family on a miner's wages in Ohio?—A. I think that they could do it pretty well. They do it pretty well in some districts. It is a difficult question to answer for the reason that in some districts in Ohio the miners have comparatively steady work, while in others they have not; and in some of

the districts the wages per day do not form a sufficient earning capacity for a man to support a family throughout the year properly, in my judgment; in others they do.

Q. Are the men paid in money or in store orders or in other things?—A. Generally now, in money. Up to within a year or two they were paid almost wholly in some sections in store orders. That was one respect in which the United Mine Workers' work, I think, was beneficial; it largely did away with the custom of paying in store orders.

Q. As a rule now they are paid in cash?—A. In money.

Q. And semimonthly?—A. Yes. We have a State law in Ohio compelling payment of wages semimonthly.

Q. Has there ever been a decision by the supreme court on that law?—A. I do not know. It applies only to corporations. Individuals could evade the law if they desired. It is the general custom there now, and it universally prevails there.

Q. Is there any system of fines and penalties that operates upon the miners?—A. The only penalties that I am aware of are those attached to the sending out of what we call "dirty coal," a technical expression. When a man loads slate and stone or an excess of material of that kind, slack mixed with slate, in a car, it makes it practically unmarketable.

Q. It is a certain drawback to him?—A. Yes.

Q. Is that acquiesced in as an equitable thing?—A. It always causes some friction. There is no general rule about that. It is one of the most difficult problems we have to encounter. A good miner will never do that. A good miner will always be careful that his coal is clean. The careless miner is the one who causes the trouble. It is difficult to fix upon a fair basis for compelling the men to send out good coal. We use a system of docking to a large extent in our mines. We generally deprive them of cars for a little time, although at some mines we have a sort of arbitration. They have what they call a mine committee, and when there is a question about the justice of the dock this committee is called out, and the representatives of the mine owners and the committee meet and adjust the matter.

Q. As a rule, do the miners occupy their own houses or rent houses owned by the mine operators?—A. I should say, as a rule, throughout the State they occupy rented houses.

Q. Are they owned by the companies or corporations?—A. I do not believe that would be general. A great many companies do own their own houses. I think a far larger part of the miners rent houses that are owned by individuals throughout that State.

Q. According to your statement the miner working 225 days a year, and averaging $1.75, would earn, on an average, in Ohio, $393 a year?—A. I should think that would not be far out of the way, under best conditions.

Q. Do you know whether that is above or below the average in other States?—A. I do not. There are some districts that bring that average away down.

Q. How long have you been in the mining business?—A. I have been actively engaged in it for 15 years.

Q. How do wages in mining compare with what they were at the time you went in?—A. I think they are about 12 per cent less to-day than they were at that time.

Q. How do you account for that?—A. Increase in production of bituminous coal. The production in bituminous coal has increased more in proportion than the consumption. Fifteen years ago West Virginia had a production of less than 1,000,000 tons per year; last year the production was over 15,000,000 tons; and other States have increased in proportion. Natural gas and oil have had some effect in reducing consumption.

Q. What is your observation as to the condition of the mining class in that 15 years? Do you think it is in a progressively improving condition or otherwise?—A. As to the material condition I can not say. They have improved, because until within the past 2 years the condition of the mining business was very unsettled, and we had so many strikes and shut-downs of one kind and another that the miners suffered in consequence; but I have noticed a very marked improvement in the condition of the miners as far as education is concerned. I find that the miner, educationally, is improving all the time.

Q. You have not found a corresponding increase in his material prosperity?—A. No.

Q. As to the habits and manners, do they show improvement?—A. I think they do, decidedly. I can not speak from my own knowledge of those miners who are what you would call immigrants, but the miners that I have known, who are citizens of this country, and have been for a great many years, have shown a

decided improvement in their habits and general condition, except possibly their material condition. They have improved materially in the last 2 years, but for 5 years previous to that there was so much depression in their business that they lost a great deal they had gained before.

Q. Is the industry, taken as a whole, in a satisfactory condition in your State now?—A. No; I can not say that it is. I regard the price of mining as too low to be satisfactory to the miners. That is caused from the fact that the selling price of coal is too low, while almost everything else in manufactures and the product of the earth—oil, iron, etc.—has gone up. The price of coal is nearly as low to-day as it was when we were paying a much greater price for mining.

Q. To whom do you sell your coal?—A. We sell to the railroad companies—Pennsylvania Company, Nickle Plate, and in Cleveland. Our general and best market is Cleveland, Detroit, and Toledo.

Q. Do you put it on the general market?—A. Yes.

Q. Sell to anybody that comes along?—A. Yes.

Q. Have you offices in the cities where you sell it?—A. We sell through offices in several cities—Cleveland, Toledo, and Detroit.

Q. It is open is it, or contracted to certain companies?—A. It is only contracted by the limitations of freight rates. We sell wherever we can get a freight rate that enables us to deliver it in competition with other coal.

Q. There is no restriction as to your willingness to sell to anybody?—A. No.

Q. How many tons of coal do you turn out in a year?—A. At all our mines probably between 500,000 and 600,000.

Q. What is the average cost of production of your coal?—A. It is hard to average the cost. In one district the cost is at least 25 per cent more than in another district. I can hardly give you, without figuring it over a little, what the average for the whole tonnage would be. I could get that very quickly, though. We make a statement each year to the Commissioner of Labor, showing the average cost of the coal at the different mines.

Q. Will you speak of a particular mine?—A. In what we call the Massillon district the average cost last year was about $1.05 a ton.

Q. For taking out the coal?—A. Yes; that is high-priced coal; that is coal that costs more than any other. In our other district, in what is called the Columbiana County district, the average cost would be probably 25 cents per ton less. I am speaking of the price for lump coal.

Q. What is that coal used for?—A. The Massillon coal is used largely for domestic purposes; chiefly for that; and the balance for steam purposes.

Q. What are the markets for that coal?—A. The markets for that coal are northern and northwestern Ohio, Michigan, and part of Indiana.

Q. At what do you sell it to the railroad companies?—A. We do not sell any of that coal to the railroad companies; it is too high priced.

Q. At what do you sell it to the consumers?—A. At an average of about $1.30.

Q. Make about 25 cents a ton?—A. We do not make that throughout the year. I do not mean that is the net cost of the coal. I mean that is the cost of the coal produced at the mine.

Q. $1.05?—A. Yes.

Q. And the $1.30 is what you sell it for at the mines?—A. Yes, about that, but we do not net 25 cents on the output.

Q. What does that coal cell for in its chief markets, and please name those chief markets?—A. The chief markets of the coal are Cleveland, Toledo, and Detroit, and then it is sold in a very large number of smaller places throughout northern Ohio and Michigan. It is retailed in Cleveland at present at $3.15 a ton.

Q. How much of that is transportation?—A. Sixty cents.

Q. And the rest is the profit of the retail dealers?—A. Partly the profit of the retail dealer. The retailer must have from $1 to $1.10 on the coal, delivered in his yards, in order to pay for his haulage charges and the cost of his force, etc.

Q. Does the price vary in proportion to the distance from the mines?—A. Yes.

Q. Is there any complaint there by the operators, or any known ground of complaint that you are aware of, as to freight rates?—A. There is no general complaint, perhaps, such as would prevail as I understand in the anthracite region, but there are isolated cases, generally occurring so frequently as to disturb the operations of the individual operator. We find, for instance, where the railroad company owns its own mines, as is the case with a number of railroads in Ohio, that it will fix rates, in competing for large contracts, that make it impossible for the individual operator to secure a contract.

Q. What railroads in Ohio own their own mines?—A. The Cleveland, Lorain and Wheeling Railroad Company is operating mines under the name of the Pittsburg and Wheeling Coal Company, as I understand it.

Q. What is the connection between that coal company and the railroad company?—A. I think they are entirely separate in incorporation. All I know is that the two are managed by the same officers. I want to say for this road, that I am told it will protect its individual operators. I have no mines on that railroad, but I know from information that they do protect their own operators to a very large extent; that is, they will give them the opportunity of competing with their own mines on equal freight rates, or will give them a proportion of the tonnage they secure on these large contracts.

Q. Do you know, or have you any reason to believe, that the railroad officials who run the coal company give any partial advantages to themselves in any way, in freights or otherwise?—A. I really do not. I only know this—that where some large contracts, for steam purposes, for instance, are open to competition some individual operators very frequently find a price being made which they consider less than they could offer to produce coal for, delivered at those places, and which accordingly must be made up in freight rates.

Q. In advantages accorded to themselves in freight?—A. Yes.

Q. Has that matter ever been investigated in Ohio?—A. I do not think it has. That is the case with a number of other railroads.

Q. We would be very glad if you would name all those railroads and give any statement that would be advantageous in ascertaining how and wherein they discriminate against localities or persons.—A. I will name the railroads that are interested in mines that I know of, either directly or indirectly, but so far as the discrimination is concerned I can not speak from my own knowledge. I would not like to be quoted as saying that, except that I know of certain contracts.

Q. Please state of your own knowledge, or what comes within general rumor, the names of the companies.—A. The railroads that I know of being interested in mines are the Cleveland, Lorain and Wheeling, Wheeling and Lake Erie, and the Columbus and Hocking Valley. I am not positive of any others being interested. I think the Columbus, Sandusky and Hocking Valley is also interested. I am not sure about that, and would not like to say.

Q. Have you a railroad commission in Ohio?—A. We have a railroad commissioner there, but I think we have no commission.

Q. Has he authority to investigate questions of that kind?—A. No.

Q. Are the stockholders of the railroads interested in the coal companies, or is it in the interests of the officers of the roads you refer to?—A. I only know the arrangement of the different companies is the same—that is, the coal company and the railroad company is practically the same.

Q. (By Mr. A. L. HARRIS.) Is it not supposed that the president of the Hocking Valley Railroad at one time used the stock of the road in purchasing a large amount of territory or getting options on a large amount of territory in Ohio?—A. Yes. That I know only from hearsay and newspaper reports. I understand they used about $8,000,000 at one time for that purpose.

Q. (By Mr. RATCHFORD.) Does the Toledo and Ohio Central Railroad come under that same heading?—A. I believe it does.

Q. What can you say about the line that parallels the Cleveland, Lorain and Wheeling—the Wheeling and Lake Erie; is it true that there was indiscriminate cutting of rates on that road some time ago?—A. I could hardly answer of my own knowledge as to that. I can speak more particularly of cuts that I am quite sure are met on coal hauled from West Virginia. I believe that road made rates on the hauling of West Virginia coal through to the lakes that were lower than the rates made to mines on their own road, which had half the distance to deliver the coal. I had that on authority that I think is beyond dispute.

Q. Are they hauling the coal from West Virginia for less money than they are from mines along the road to the market?—A. Yes, with half the haul. I have brought this matter to the attention of the officials of the road, and told them it was not encouraging for operators along the line. They claimed they had to do it because other roads were doing it, notably the Baltimore and Ohio.

Q. What is the difference in the distance between those mines in Ohio and the West Virginia mines?—A. About 125 miles from the market.

Q. What was the effect of cutting the prices?—A. It has been very disastrous for Ohio coal. For one thing, it has made it almost impossible to deliver Ohio coal on board vessels for lake shipment. Also, it has had a very disastrous effect on Pennsylvania interests, because the West Virginia coal hauled at those rates is enabled to undersell the coal of Pennsylvania.

Q. (By Senator DANIEL.) Will not the Pennsylvania coal have to go farther than the West Virginia coal?—A. Yes, somewhat farther; but the West Virginia coal has been hauled much cheaper to the lake front.

Q. Do you know any cases of discrimination as to coal going East?—A. No, I

do not. Ohio coal is not shipped East, and my acquaintance is mostly with Ohio coal.

Q. Do you know of any other discriminations of railroads that are injurious to the mining interests of your State, with reference to particular parties or particular cities?—A. I do not know, by personal experience, of any. I have been told by a great many operators that the individual operators are discriminated against in the matter of car supply. My own experience has been that we have not been discriminated against to any great extent.

Q. Do you know of discriminations in things other than mining that would enter into industrial relations—iron or any other metal?—A. No, I do not.

Q. Do you know of any trusts or combinations in the mining business?—A. I do not believe, in the bituminous business, that there are any trusts at the present time; that is, there are no combinations that are effective as yet. There are several that have been, as I understand it, talked of, but none of them consummated, as far as I know. There was a sort of trust in Ohio last year, called the Central Coal and Coke Company. That was a combination of railroad interests—those that I have mentioned and a branch of the Pennsylvania; but that was dissolved last fall. Then there was another combination, called the General Hocking Coal Company. That was also dissolved.

Q. Were they dissolved by legal procedure or have they gone to pieces?—A. By mutual consent. They disagreed. There is a combination now being talked of, I believe, in the Pittsburg district, but it has not been consummated as yet.

Q. How do the operators and miners feel with respect to the 8-hour law; or do you have one in Ohio?—A. We have not an 8-hour law in Ohio. We have an 8-hour agreement with the miners.

Q. Is 8 hours considered your workday?—A. Eight hours is considered our working-day. That was agreed on at the Chicago convention a year ago last January.

Q. Does it give satisfaction to the miner?—A. To the miner it does, and I think generally to the operators. At first the operators disapproved of it, because it made quite a difference in their production.

Q. How long has it been the rule in Ohio?—A. Only since a year ago last April.

Q. What is your observation as to its operation on the character of the laborer, and the quality and extent of his product?—A. So far as the miner is concerned, I have not been able to notice any material change. I think that the results of his labor are about the same. Of course he does not get out quite as much coal, and makes possibly a little less from a day's work. That is probably on account of the facilities of the mine. Where the mine is prepared to take care of the coal, I believe, in our Massillon district, the miner can mine as much as he could before in the 8½ or 9 hours, because a large part of that time he was waiting for cars or something of that kind. It depends largely upon the equipment of the mine for taking out coal. If the coal can be handled promptly outside, the miners can produce as much in 8 hours as they did before in 9 or 10. If the mines are prepared to do that there is not much difference in the output.

Q. (By Mr. RATCHFORD.) Has the shorter workday had the effect of improving the mine equipment as a general thing?—A. I think it has.

Q. Are they prepared to handle the same amount of tonnage as they handled formerly in the long workday?—A. Yes, at a great many mines. It really has not made as much difference as the bare 8-hour rule would imply, because formerly the miner, while he may have worked 9 or 9½ hours, and in some cases 10, at that time was not required to be at his work place (that is, where he actually labored) at the beginning of those 9 or 10 hours. By the agreement reached at Chicago and at Pittsburg the miner is required to be at his working place when the 8 hours begin and when the 8 hours end, so there is not as much difference in the actual time spent by the miner as would seem from the bare mention of the 8-hour day.

Q. (By Senator DANIEL.) Are company stores in vogue in Ohio?—A. No; the United Mine Workers have succeeded in practically abolishing those, except where they are operated possibly by some persons connected with the company; but they are not known as company stores except in a few cases. I believe there are still a few stores in Ohio.

Q. Have you a law in Ohio regulating the employment of children in the mines?—A. Yes. That has been amended. Formerly it required that they should not employ children under 14 years of age; the age has been extended this year to 15. We are not permitted to employ children under 15 years of age within the mines, and they are never employed, to my knowledge, outside at bituminous-coal mines. In the anthracite regions they are used for picking slate, etc., in the

breakers. We do not use children outside the mines at all. Inside they are used for "tending" air doors.

Q. Do you think it is a good age to limit the employment of children?—A. Yes.

Q. What has been the effect of that law in your State with respect to the conditions of laboring people?—A. I think it has improved them considerably in an educational sense, because the children of an age that went into the mines some years ago when, I believe, the age was 12, are now in school a large part of the time, where before they were working.

Q. Is it liked by the working people themselves?—A. I can not say that it is, altogether, because a great many of the thrifty ones want to see the children employed at a lower age than they can now have them employed.

Q. Does it meet with general public approval?—A. I think it does.

Q. Do you have any trouble with convict labor in your State?—A. No; we do not employ any convict labor in the mines in our State.

Q. Have you any suggestions to make to the commission on the general subject of mining or any part of it?—A. A question was suggested to my mind this morning as to the advisability of some law, possibly not a general law, because, as I understand it, it would have to be passed separately by the States, regulating production of coal of the different classes; regulating it in such a way as to place different districts on a common basis for meeting the market. It would be fair for everybody, and I think it would benefit the conditions of labor throughout the different productive districts.

Q. Is not the mining industry of the United States, recognized to be within the jurisdiction of Congress, more interstate in the way of transportation than anything else?—A. Yes.

Q. The fairness of the transportation facilities to the different sections?—A. Yes; I think that is a most important question.

Q. Do you know of any other question connected with mining that approaches that in importance?—A. No; I think that is decidedly the first in importance—the regulation of transportation so as to give the individual owner the same chance in the general market with the railroad owners.

Q. Have the miners of your State ever made any cooperative effort to secure equitable rates of transportation?—A. Not to my knowledge. I do not believe there ever has been a movement of that kind.

Q. Why do you not move to do it?—A. I do not know why it has not been done.

Q. Afraid of the railroads?—A. Well, possibly some of the operators are afraid of the railroads.

Q. Have you any suggestion to make on immigration, coming within your experience?—A. I have not had any personal experience with foreign labor, and my only information as to that is what I have heard from other operators.

Q. (By Mr. A. L. HARRIS.) Is there any organized combination on the part of operators to restrict production?—A. No; not to my knowledge. I do not believe there is anything of that kind existing now. One of these organizations or combinations of which I spoke a while ago, I believe, had a limit to their output in this way: Each company interested had a certain proportion of the total tonnage, and when they exhausted that they were restricted. But that combination is not in operation now, and to my knowledge there is no such combination in the State of Ohio, at least.

Q. Are such combinations favorable to operators and miners?—A. I do not believe they are. I do not believe the operators generally regarded them favorably.

Q. Do you employ nonunion labor in your mines?—A. No. All our men are union labor.

Q. Are you compelled to employ organized labor, or do you do it of your own accord?—A. We have never asked any miner questions, whether union or not. We have never had any difficulty of that kind with our men.

Q. I understood you to say you did not employ any but organized labor?—A. So far as I know every man in our employ belongs to the union. They sometimes come there not belonging to the organization, but miners generally induce them to join. I have never known them in any case to refuse to allow men to work there, but they generally persuaded them to join the organization.

Q. (By Mr. RATCHFORD.) When a miner applies for employment is he asked the question as to whether he belongs to the miners' union?—A. No; not by the operator.

Q. If he does not belong to the miners' union do the men in your employ demand that he shall belong before employed?—A. I never knew of any case of that kind.

Q. But after he is employed they endeavor to persuade him to meet as well as join them?—A. Yes, I have no doubt of that.

Q. You spoke of strikes in the past 2 or 3 years; do you care to go back and state in your own way the causes that led to them, taking them up separately?—A. I will speak of one of the general strikes. I do not care anything about local strikes. The first general strike occurred in 1894. I believe, and was after a long period of prosperity in the mining interests, really brought about by mutual agreement each year. We had had during the 80's, for 6 or 7 years, and I may say in 1890, what we called an interstate board for conciliation and arbitration. We met each year, adjusted prices, and representatives of the miners' organizations and the operators fixed a schedule for the coming year, and it went along very smoothly for, I believe, 7 or 8 years, and then trouble began in the Pittsburg district. As I remember it, one of the largest companies in that district had been endeavoring to force the price of mining down in order to give themselves a better opportunity to compete in the market, and it finally succeeded in reducing the price 10 cents below neighboring operators. It compelled the other operators of the district to ask for lower prices, and the miners at first would not concede this. There was a long fight made on that question, and the competition became so keen that some of the operators forced the price down, and it resulted in a general demand for readjustment. The whole organization was called out. I think it was in April. That began the first of these general strikes. I always thought it was caused by the action of one company in the Pittsburg district—the New York and Cleveland Gas Coal Company.

Q. What was the outcome of that strike?—A. Well, the outcome of that strike was a settlement at the time—a small compromise; 10 cents of an advance, I think it was.

Q. Did the effect of that strike, according to your judgment, stimulate the coal business for any length of time, or do it any good in any way, or otherwise?—A. I am hardly competent to answer that, because at that time we were having trouble with a great many of our mines. It was not settled at that particular time. It had the effect, however, of consolidating the miners' union, making it stronger, making it more general in its operations than it had been before, and that is the only way the union could be of any benefit to the mining trade generally. If it were effective only in Ohio it would be a detriment to our State; if effective enough to control products of competitive fields, then I think it a benefit.

Q. You spoke of the more recent strike of 1897; what was the cause that led to that strike and the result of it?—A. Well, it was caused very similarly to the first. It began in the same field, and was caused largely by the same company, compelling other competing operators to cut their prices, and resulting in the demand on miners for lower wages, which was resisted; and that was finally settled after a little over 6 weeks by an advance of 5 cents a ton.

Q. In each of those cases were the strikes only resorted to after conciliation had failed, or is the commission to understand that no effort was made to adjust the question of price by mutual agreement?—A. Personally, I have no knowledge as to that, but I understood from my reading at the time that a number of efforts were being made. Committees met, I know, on the part of the miners and operators, before the strike took place, in an effort to adjust differences.

Q. Since the strike of 1897, what progress have the miners and operators made toward joint conciliation?—A. A joint conference was arranged in January, 1898, at Chicago, which brought all the operators and miners of the States that are in the northern territory except West Virginia together, and that conference resulted in an advance of 10 cents a ton to the miner, and the adoption of the 8-hour day and some other things.

Q. At the present time you are working under these joint agreements, are you?—A. Yes.

Q. How are they regarded generally by the employing classes?—A. I think the general opinion is that an annual agreement is a very beneficial arrangement because it enables the mine owner and operator to figure intelligently on his yearly contracts with some guaranty that prices will be maintained throughout the season of his contract, and it insures him regular work unless there is some local difference at the mine. I have always been in favor of that system of settling the wage question.

Q. Are there any binding clauses connected with those joint contracts; any penalty for violating them?—A. There are not; I can not think of any specific penalty.

Q. Simply a question of honor?—A. Honor; yes.

Q. Are they generally observed?—A. I believe generally. I do not know any case where they are willfully disregarded. I know there is some misunderstanding as to the construction of the agreement, and some disputes have arisen because the contract was not, perhaps, as clear as it might have been made; but

I do not know of any cases where there was intentional disregard of the contract itself.

Q. The larger concerns, I presume, who are partners to this agreement, usually carry it out?—A. Yes.

Q. If two or three or half a dozen of the larger concerns in any one State would put a false interpretation on parts of that contract, or would operate their mines, paying a less price than the contract provided for, or less than the general scale, what, in your judgment, would be the effect of such action; would it lead to a general reduction in that State?—A. Yes; I think it undoubtedly would. It would be impossible for smaller operators to compete with the larger concerns in the general market, and of course they would have to have the same conditions of operating as the larger companies.

Q. It is to be taken, then, I presume, that a uniform rate of mining must obtain before the coal trade is on a permanent basis?—A. I think so, decidedly.

Q. Would the price still exist in one field while a lower price was being paid in another?—A. Oh, no.

Q. (By Senator DANIEL.) How would transportation affect that? Would not that be a great factor?—A. Transportation, of course, would have quite a bearing on that.

Q. If you had perfectly equitable rates of transportation, would not a fixed tendency be created for the best goods to go to the market at forced prices?—A. That is a problem I am hardly competent to figure out. It would, certainly, if we had perfectly equitable rates of freight, etc.

Q. I say equitable; what is exactly equitable it is very hard to say. One railroad costs so much more than another, and so many factors enter into the problem that it is very hard for the most righteously disposed mind to arrive at what is equitable.—A. Yes; that is really the problem—to decide what is equitable. If railroads charge what we consider an equitable rate of freight from the West Virginia fields, the West Virginia fields will not be producing over 2,000,000 or 3,000,000 tons instead of 13,000,000 tons. That is the point.

Q. (By Mr. RATCHFORD.) A while ago you said that when you first went into the coal business the West Virginia field had been producing about 1,000,000 tons a year.—A. Less than 1,000,000.

Q. How much has the annual tonnage of your own State increased in that time?—A. I do not believe it has increased over 3,000,000 tons in that same time.

Q. (By Mr. PHILLIPS.) What is it now?—A. It is now less than West Virginia, a little over 12,000,000 tons last year.

Q. (By Senator DANIEL.) Might that not arise in a degree from the luxuriant productive capabilities of West Virginia?—A. Yes. It is a very fine coal, and it is a coal of unusual thickness. It is easily worked and easily mined. That has a great deal to do with it.

Q. (By Mr. RATCHFORD.) What have you to say about remedial legislation?—A. As to employers' liability laws we have not any specific legislation except the general provisions for the safety of the miners, which of course we have to observe, and I think they are decidedly beneficial. We have statutory liability for injury, etc. I do not know that I have any suggestion as to that. I think the miners are fairly well protected. Indeed, I do not know any class of labor that is better protected than that engaged in the mining industry, so far as legislation is concerned. We have a very good system of inspection in Ohio, as I understand they have in Pennsylvania and the other States, and the miner has a very fair guaranty of at least reasonable care on the part of the owners of the mine that he will be looked after and protected as much as possible, if the inspectors do their duty; and to my knowledge they always do their duty there. I know of none who has not done his work perfectly, fairly, and well.

Q. What can you say to the commission in reference to your liability laws as they apply to the miners, and laws of other States as compared with your own?—A. I really am not well enough posted in regard to the laws of other States to give an opinion on them. I do not like to express myself. I know the laws of Pennsylvania are more rigid in regard to qualifications of inspectors than our State laws are, and they are more rigid in regard to the qualifications for mine superintendents, mine bosses and inside bosses. Our laws are not so strict in that respect.

Q. Do you have check weighmen in Ohio?—A. Yes, we have check weighmen; and it is much more satisfactory to work with check weighmen than without. Of course the miners are satisfied they are getting full weight, and it avoids disputes between the operator and miner.

Q. It has been claimed at times that check weighmen, in some cases at least, are a constant source of annoyance, What has been your experience in that direc-

tion?—A. We have had none of that at all. Of course that depends largely on the character of the man appointed as check weighman. He can make trouble, and undoubtedly does in some cases. They are entirely too technical sometimes and interfere with the operation of the mine.

Q. Have you any laws regulating payments, screens, and company stores?—A. We have a law regulating the payment of wages, twice a month; and we now have a screen law in Ohio, passed by the last legislature, which compels the payment of coal before screened, that is, run-of-mine coal. This I do not consider a good law, however, and its constitutionality is now being tested; and miners by contract have permitted the operators to go on under the old system, screening the coal. My own view of this law is that it gives the poor miner a better opportunity than he ought to have of sending out refuse matter from the mine. It would have a tendency to make what we call good miners, and three-fourths of them are good miners, careless in their work, and send out slate, stone, and refuse of that kind, which would not be sold, and make our coal unmarketable. In my judgment it would be a constant source of friction between the operator and miner. I do not think there is any particular advantage to be gained by the miner in having it.

Q. When this law was passed were you working under contract with your miners?—A. Yes; the Chicago agreement was in force at that time.

Q. Did the miners adhere to their contract?—A. They adhered to the contract.

Q. That would indicate, would it not, that when miners make a general agreement they are willing to respect it at all times?—A. We found it so, yes.

Q. Is the semimonthly pay a disadvantage to the employers?—A. I do not believe it is.

Q. (By Mr. A. L. HARRIS.) Has the weekly payment law ever been tested in the court?—A. The law was passed many years ago. I believe it was declared unconstitutional in Ohio, but it was then in general force; the different trade unions had taken it up, and it had become the custom.

Q. (By Mr. RATCHFORD.) Uniformity in mining legislation is a subject upon which we expect full information from you, owing to your experience as an operator and in joint conferences of miners and operators of the several States.—A. I believe that if laws could be made of general, impartial application throughout the different States in the competitive field, that is, those States which are by proximity and location of mines necessarily competitors, regulating the production of coal and payment for mining, etc., it would be a decided benefit to the mining interests. Some States pay, for instance, for the mining by the wagon, or in districts of States, and I believe in some States almost altogether, so much per wagon. While the size of that wagon is not determined, sometimes one size and sometimes another, it makes the price per ton, which is really gauged by the selling price, so uncertain that when that coal comes in competition with coal produced in other States, which pay so much per ton definitely, one or the other is at a disadvantage, depending on which pays the most. I think if there was a certain universal rule for payment it would at least open the way for fair competition.

Q. Do you believe that a law should be enacted providing for the payment of coal by weight or measure?—A. I think by weight is decidedly the fairest way.

Q. In all competing States?—A. Yes.

Q. That weight to be arrived at after the coal has passed over the screen and given size?—A. Yes; that is my judgment.

Q. You are not of the opinion that it should be taken before passing over that screen?—A. No; I am not.

Q. That leads us to the question now as to whether or not the size of that screen should be regulated by law?—A. Yes; I think it should—the superficial area and the mesh of the screen.

Q. Would there not be some difficulty encountered there by reason of the soft and hard nature of different coals?—A. Yes; there undoubtedly would.

Q. How would you suggest that could be overcome in the price question?—A. I think one way to overcome it would be to regulate the price to conform with the screenings.

Q. On the whole, then, you believe the system of mining by measure is not a fair system, to say the least?—A. I do not believe it can be fair.

Q. In some mining States they have what the miners regard as very good legislation, and the State of Illinois, I believe, is credited now with being in the lead in that respect. Are you familiar with any recent bills that have been passed in the State of Illinois?—A. No; I am not.

Q. How would you suggest such legislation be had now?—A. I can only say it is a matter that can not be forced on the different States. I presume it would have

to be arrived at as a matter of interest to all the parties engaged in the mining industry, and I can only suggest that some representative men of the industry from different States be called and their opinions given, representing both the operators' and the miners' organizations. If they could agree on some laws of general application throughout the different fields I believe legislatures will pass them.

Q. (By Mr. A. L. HARRIS.) Under the screen system the miner gets paid only for the coal that goes over the screen?—A. Well, to all appearances he does, but he really is paid for all the coal. For instance, he is paid in Ohio at present 66 cents per ton for the screened lump coal, but if it is to be run over a screen without screening, he would only get, in the Hocking Valley, for instance, a settled rate, 47½ cents. It varies from 42 to 49 cents. He is actually paid for the coal that goes over the screen. Some miners themselves believe they are not paid for that, but on a run-of-mine basis they get as much less per ton as the proportion of nut and slack bears to the lump coal.

Q. That basis has been determined by actual experience, has it?—A. In a great many cases. In some cases it is arbitrary.

Q. Under the screen system you think you are better protected in regard to slate and refuse matter that is put into the car?—A. Yes, undoubtedly. You see if we weighed the coal before screening a miner would be entitled to be paid for everything in the car.

Q. Would you have the same right to dock?—A. Yes, we would; but there would be much more trouble of that kind. There is enough of it now. That, in my judgment, would lead to serious trouble with the miners.

Q. Would it not remove the real trouble between the operator and miner—that is, the screen—and give you the same opportunity to dock for dirty coal that you have now?—A. Well, the trouble is that we would have so much more slack, for instance. Of course that would be paid for in the run-of-mine. I am only speaking of a certain class of miners that would do this. Probably 85 or 90 per cent would not do it. We always have some men that are careless about their loading. It would make it almost impossible for us to watch the loading into the gondola car. We can not watch every mine car.

Q. When do you detect the refuse coal sent out by the miner?—A. A great deal of that is covered over—refuse matter would be covered over on the top.

Q. If it is weighed before it goes over the screen you have still the opportunity of detecting the dirty coal that goes into the car?—A. Yes, we have; only there would be so much more we could not get at it before it was shipped off.

Q. As I understand it, in Illinois they have adopted the run-of-mine system, and it is working very satisfactorily to both operator and the miner. As the screen is the bone of contention, would it not be well for the miners and the operators to get together in Ohio upon that question?—A. I do not believe that it is really so much a bone of contention as some miners and some others have led the public to believe. It never came up particularly until the Chicago agreement, and then the Illinois operators and miners brought it before the convention. I do not know whether they are satisfied with it there; only I think they have a reasonable basis for payment of run-of-mine.

Q. Is there any one question in Ohio that causes more friction between operator and miner than the screen?—A. We never have had any friction at all until very recently on that question. We have had friction on the size of the screen and the mesh of screen, the shape of the screen bars, but never very much friction upon the question of run-of-mine payments. I think they do now generally want to be paid on the run-of-mine basis.

Q. Does the screen get out of fix often?—A. I think not. I believe it is generally kept in pretty good repair. It is the duty of the miners' check weighman to watch the screen.

Q. Are the meshes kept clean?—A. The miners' check weighman looks after that.

Q. If meshes get wider and the larger coal drops through, the operator does not lose it; he sells that as nut coal?—A. Yes.

Q. How many grades of coal do you make in Ohio?—A. The usual grades are lump, three-fourths, run-of-mine, slack, pea coal; then they have combined nut and slack. There are about 6 or 7 different grades of coal.

Q. What is the difference in value between the nut coal and the lump coal?—A. As a rule, 40 to 50 cents; in the Massillon district, 15 and 25 cents.

Q. What is the difference between nut and pea coal?—A. About 15 cents.

Q. Is it a fact that the retail dealers in many parts of Ohio often sell the nut for the same price as they sell the lump coal?—A. I have no knowledge of that.

Q. Are not stoves and grates constructed now especially for the purpose of

burning nut and pea coal—I mean base-burners?—A. I do not believe very much nut coal is sold for domestic uses in Ohio homes. A few years ago we sold a large part of the Massillon nut coal for that purpose, but for the last 3 or 4 years these stoves have not been nearly so much in use in Ohio as before. We have quite a difficulty selling our nut coal.

Q. Is your coal different from the Youghiogheny Valley coal?—A. Yes.

Q. Does it run together like the Youghiogheny?—A. There are two classes of coal in Ohio that do not "run;" they burn very much the same—the Jackson coal and the Massillon coal. They are both dry-burning, free coal.

Q. (By Mr. RATCHFORD.) What can you say on the subject of machinery?—A. I have no personal knowledge of the use of machines, but I have gathered some information on the subject with a view to putting machines in the mines. I find that where the price of mining is low there is no particular advantage in having mining machines. For instance, the price of mining was 3 years ago down to 45, 51, and 56 cents. There was no particular advantage in machines when the price was down to that. It was probably cheaper to mine by picks than machines at that time; but as the price of mining advances, then the value of machines becomes more apparent, and at the present basis mining machines are worked profitably in a large number of mines in the State. They save, as I am told, from 12 to 21 cents per ton in producing the coal.

Q. (By Representative OTJEN.) Do these mining machines displace any number of miners?—A. Yes; they necessarily displace a great many miners. Of course they have to have a number of men as loaders and machine operators.

Q. Do you know about the number of machines that are being used in Ohio?—A. No.

Q. How long ago is it since they began taking in these machines?—A. They began as long as 15 years ago. They were more experimental then than anything else. It is only within the last 5 years that they have been used so generally as now. Competition became so strong after West Virginia coal began to seek the market in Ohio and throughout the Northwest that it was necessary to find some means to equalize prices with that district, and consequently the larger mines, where they could find it profitable, equipped themselves with machines in order to cheapen the cost of the coal.

Q. In the mines you are connected with you do not use any?—A. No; we find it more profitable to pick-mine in the districts we are interested in. In our Massillon district the coal is mined rather differently than in most sections. There is very little undercutting. The coal is blown right out of a solid wall, so there the machines would not be of so much advantage. Since the last advance of 10 cents per ton to the miners we have suffered a reduction in our selling price of not less than 10 per cent. That has been because the West Virginia fields have been developed to such an extent, and have produced coal so cheaply that we could not obtain a higher price for our product in Ohio, nor in Pennsylvania or in Illinois. We have given not only 10 cents advance in mining, but really have suffered a reduction in selling price, and the only way I can see any remedy for it is for the miners' organization to extend itself and take in West Virginia; then an equitable rate of mining could be fixed for all States, West Virginia in line with the rest, and all the States would then be on a fair competitive basis.

Q. (By Mr. FARQUHAR.) If these workingmen are not receiving such wages as workingmen ought to have, and they ask or demand 10, 15, or 20 per cent more, and are successful in getting it, by strike or otherwise, where would the burden fall? Is it going to come out of the mine owner, the transportation company, the sales agent, or will it ultimately come out of the consumer?—A. Under ordinary circumstances it would certainly ultimately come out of the consumer; but at the present time, judging from the experience of the past 2 years, it would be suffered entirely by the coal producer.

Q. Would not get anything out of the transportation company?—A. No; nor the sales agent would not take it out of the consumer.

Q. (By Representative OTJEN.) Will you please explain the labor-saving machines that are used in the mines?—A. The only labor-saving machine of any consequence is the cutting machine, which does the work in the mine of undercutting coal or in side cutting, chiefly in undercutting, and the electric and compressed air drills, which do the work of the hand drill of the men.

Q. Are they worked by steam?—A. No; they are worked by compressed air or electricity. Electricity is the agent now chiefly employed in the mines. The compressed-air machine and drill were used before the electric machine was introduced. They were used, I think, as much as 20 years ago. That was called a punching machine. The electric machines now in use cut the coal.

Q. And is that called the undercutting machine?—A. They simply call it the

cutter, but it is really undercutting. The miner calls it, technically, undercutting.

Q. There are really, then, but two kinds of machines that are labor-saving machines in mines?—A. Only about two that will amount to anything.

Q. Are there any improvements in hauling the coal away from the place where it is mined?—A. Yes; there is an electric haul which is capable of hauling several cars, and saves some drivers; but that is very slight compared with the number of men thrown out by the cutting machines.

STATE OF OHIO, *County of Wayne:*

I swear that the statements made by me of my own knowledge in the foregoing report of my testimony before the Industrial Commission are true, and that all other statements I believe to be true.

W. J. MULLINS.

Sworn and subscribed before me this 14th day of August, 1899.

ROSS W. FUNCK, *Notary Public.*

WASHINGTON, D. C., *May 5, 1899.*

TESTIMONY OF MR. DAVID ROSS,

Secretary Illinois Bureau of Labor Statistics.

The commission met at 2.15 p. m. Vice-Chairman Phillips presided and introduced as a witness, Mr. David Ross, secretary Illinois Bureau of Labor Statistics. The topical plan of inquiry on mining was followed.

Q. (By Mr. RATCHFORD.) Please state your name, residence, and official position.—A. David Ross, Springfield, Ill.; secretary of the State bureau of labor statistics. The Illinois bureau is organized on somewhat different lines from those of other States. Under our law a commission of five individuals, representing different industrial interests, is appointed by the governor, and that commission elects a secretary, who is not a member of the commission; and upon the secretary devolves substantially the same work as is performed by the single commissioners in the other States having labor bureaus. The statistical work proper is substantially along the same lines.

Q. How long have you served in that capacity?—A. I was appointed by the commission on the 1st of April, 1897.

Q. Prior to that time what was your business?—A. I was employed in the practice of law for about 3 years prior to April 1, 1897.

Q. Have you had any connections, at any time, with any trade organization of your State?—A. Yes; I have been, and am yet in fact, a member of the coal miners' organization. I went into the mines when I was 9 years of age, in the State of Illinois, and worked in them continuously until my election to the legislature in the fall of 1888. I have held no official position, however, in connection with the organization, except being a member at one time of the State executive board.

Q. What can you say to the commission as to the constitutions and regulations of that trade union or other trade unions in your State, with reference to funds, benefit features, etc.?—A. Many of the constitutions of the trade unions provide, of course, for benefits. The miners' organization has been rather handicapped by reason of the peculiar conditions heretofore existing, until recently. In the State of Illinois a defense fund was created for the purpose of maintaining the members on a strike or who have been locked out. Our State organization has raised during the last year and a half a little over $200,000 for that purpose; about $140,000 has been expended, leaving a surplus in the defense fund of a little over $50,000. The first necessity for the expenditure of defense money originated at Virden, Ill., where the miners had been locked out by the employers, and, by the way, that event has become important history, not only in the State of Illinois but in the industrial centers of the entire country. I may state, if it is in order, that the cause of the disturbance there was due to a failure on the part of the mine owners to recognize the jurisdiction and authority of the interstate organization of miners and operators created for the purpose of fixing or agreeing upon mining prices. The operators at that point denied that the convention had the power to fix a rate for that field and claimed that the rate fixed was excessive, and that it could not be paid, and after having submitted the case several times to arbitration,

after having agreed to abide by the decision of the board, all those agreements were repudiated by the company and the miners were locked out, so that most of the fund went to support those miners and their families while locked out, and the balance of the $140,000 was spent and is being spent at another point of the State, where a similar situation exists—at Pana, Ill.; they have entered on their thirteenth month of the strike or difficulty at that point.

Q. (By Mr. FARQUHAR.) You say at one time the operators at Virden had virtually agreed upon the arbitration and afterwards broke that agreement?—A. Yes; they agreed in writing with the representatives of the miners at that point that they would abide by the agreement of the State board of arbitration, and the miners and operators united in a request that the board should intercede; and the board confirmed the rate fixed for that field by the interstate convention, and the mine owners declined to pay it, and as a means of resisting that decision sought to import labor from the Southern States, much of which was of the criminal kind.

Q. You mean convicts?—A. Yes; men who had learned the art of mining in the convict mines of the South. After having repudiated these agreements repeatedly they served notice on the governor of their intention to bring labor into the State of Illinois, and if necessary, at the point of Winchesters. The governor advised against that policy, and of course his advice was not heeded, and they did attempt to bring a trainload of negroes into the State of Illinois and disembark them at Virden under the protection of Winchesters in the hands of men who were not citizens of our State. Governor Tanner construed that policy as a declaration of defiance to the power of the government of Illinois, and called their attention to the fact that even a neighboring State could not move its militia across the soil of Illinois without first obtaining the consent of the governor, and that he would not permit the invasion of an armed mob of that kind, and he did not. A little later on the difficulty at Virden was adjusted. The coal companies agreed to pay the rate of 40 cents fixed for that field, and are paying it now. The suspension at that point lasted about 7 months.

Q. Was that reached by a compromise?—A. Yes; the compromise constituting the basis of the settlement was the tearing down of the stockade which the corporation had constructed during its trouble, and the dismissal of some of the more offensive members, to all of which the company agreed, and work was resumed at the union scale.

Q. Then the local miners did ultimately accept part of that contract labor that came into the State in making the compromise?—A. No; the contract labor was not disembarked at all. It was taken out of the State.

Q. (By Mr. KENNEDY.) Disembarked them at Springfield?—A. No; they ran them right through to a little place called Williamsville, about 6 or 8 miles on the other side of Springfield. From there they were taken to St. Louis and distributed to different points.

Q. Did any of that labor ultimately go to Indian Territory or any other place where strikers were out?—A. Some of the negroes at the other points have been distributed in the Indian Territory, but those causing the trouble at Virden, as a result of which several lives were lost, were distributed from St. Louis and went South and farther West.

Q. Could you state whether they were citizens of Illinois who went down there to make contracts with the people in Alabama?—A. Yes; representatives of the company.

Q. Did they have someone on the ground who massed those people together there?—A. They had an agent there who massed them together, but they were obtained at the solicitation of the Virden Coal Company, citizens of the State of Illinois.

Q. (By Mr. FARQUHAR.) During all this trouble did the operators who agreed on the scale and maintained the scale support the action of the union miners at Virden?—A. Yes; to the extent of favoring the enforcement of the scale at that point.

Q. So there was no discrimination among those who had agreed to the scale, whether operators or workingmen?—A. None whatever. They appeared before the State board of arbitration as witnesses against fixing the rate for that field different from any rate that had been fixed upon. I would state, by way of explanation, that there has been a great deal of misrepresentation and a great deal of misunderstanding concerning the action of the governor of Illinois in acting in the manner that he did. Some have represented him as meaning that he had the right to deprive a man of the privilege of contracting for his labor. That problem, together with the color question, never entered into the industrial difficulty at Virden. What the governor did object to, and what he had the right to object to

under the constitution of the State of Illinois, was the method and manner by which those men were brought into the State. The right to employ labor is a right guaranteed by the Constitution of our country, and it can not be taken away by anybody. The distinction was that those men who were brought into the State of Illinois were an undesirable class of citizens in the first place; they had received their education as miners largely in the convict mines of the South and in addition to that, they were brought in under the protection of an alien mob of policemen contrary to the spirit and intention of our law. It was considerations of that kind which induced the action taken at the time, and which resulted in effecting a satisfactory settlement.

I presume the commission is as familiar with the question of trade unions as I possibly can be. Trade unionism proper dates back several centuries and has, in my judgment, stood for, and it represents, a conviction in favor of the advance of mankind. It has protested against many abuses and has, in a perfectly legitimate and lawful way, succeeded in removing many of the grievances of which the members of the industrial army had just reason to complain.

Q. Can you state anything as to its growth within your State?—A. The work of organizing the different tradesmen of Illinois—in fact, of the whole country, has been very significant during the last year or two, and also very successful. It has been the experience heretofore that in times of renewal of trade and business organization has declined. It is a significant fact that in all the great industrial contests of the country the most bitter opposition and fight has been put up at a time when the craftsmen were less organized. That would seem almost anomalous, yet it is a fact. There has been this exception, however, to that tendency during the last few years, in which the trade of the country has revived considerably and prices and wages have advanced, yet the work of organizing the different tradesmen instead of relaxing has, if anything, been encouraged and renewed. Efforts have been made to perfect and strengthen the organizations, so that in the State of Illinois to-day there are more members of the different industrial pursuits who are members of labor organizations than ever before in the history of the State. That is particularly true concerning the coal miners. I presume 40 per cent of the coal miners of this country have been recruited from some of the poverty-stricken districts of Europe in the years gone by, and corporations contracted for that kind of labor and brought it over here, and as a result the general work of organization until recently has been seriously handicapped. The difficulty has been to reach that class of people. Most of them are strangers to the English tongue, and most of them come from countries where the standard of living is so much lower than it is in the United States, that they were willing to assume places at a much less rate of compensation than the native miners of this country. There seems to have been, however, a somewhat vindictive reaction among that class of men in the mines. Within the last year or two they seem to have realized the purposes for which they were brought here and they have almost to a man become members of the organization in Illinois and other States. Out of 35,000 men employed in and around the coal mines of our State I dare say that 30,000 of them are members of the United Mine Workers' Union. That work has been accomplished within the last 16 months in the State of Illinois.

Q. (By Mr. RATCHFORD.) What have you to say of the feasibility and legal effect of the incorporation of trade unions?—A. The sentiment, as I find it in the industrial centers of the country, has not been favorable to incorporation. The leaders of the different trade unions seem to have paid no attention to the matter at all. Of late years the question has been considered, but the matter has not been given that attention which its importance merits. I have always favored the incorporation of trade organizations for several reasons. Not only would it give the organization corporate standing in the courts in legal matters, which is a very important thing, but it would at the same time, in my judgment, encourage the work of arbitrating differences between employers and employees. In my individual experience I have found, during industrial contests, where employers refused to arbitrate, it was because of the fact that the other side represented a miscellaneous and irresponsible mob; that liability could not be located; that they were not responsible. I think that general incorporation would have the effect of encouraging the idea of arbitration and would correspondingly reduce the number of strikes and labor disputes.

Q. What would be the effect of incorporation with regard to disciplining the members of trade unions?—A. I think the effect would be good if the idea could be impressed upon the minds of the members that, being under an incorporated act, they were responsible in a legal sense. The result would be to encourage and increase discipline and the control of these people.

Q. Would they be responsible for violation of contracts by money damages, or responsible in what way?—A. The nature of the liability would have to be determined. I have heard no complaint of the failure of any labor organization or its members to respect its contracts, and I would anticipate but very little difficulty from that source.

Q. (By Mr. FARQUHAR.) Would it not be a good safeguard on all your funds?—A. That would be another reason why it should be taken advantage of.

Q. (By Mr. RATCHFORD.) What are the relations of combinations of labor to nonunion labor?—A. Of course, as an object lesson, the organization would encourage the joining of other members.

Q. (By Mr. FARQUHAR.) Are nonunion men allowed to work in the mines where union men work?—A. Certainly; there is no prohibition, except in some rare instances where we have had some difficulties; but, as a general proposition, they recognize the right of a man to be a member or not, as he elects. Of course, they prefer to have him in the organization, and would do everything to encourage him to join.

Q. (By Mr. RATCHFORD.) Where the organization of your trade is complete at any mine, the employer enjoys the right to hire whom he pleases?—A. That right is not disputed.

Q. If a nonunion man is employed, does a committee of your organization go to him and request him to join the union?—A. That is the policy.

Q. In case he refuses to do so, what is the general course?—A. We have had a great many strikes in the State of Illinois on account of men refusing to join the organization; that is, local strikes.

Q. Are those strikes countenanced or encouraged by the general head, or is it purely a local matter?—A. Mostly local grievances.

Q. Do you know of any action or resolutions adopted by your State or national organization encouraging those things?—A. No.

There are several causes that lead up to strikes. The experience of the labor leaders, men who have been actively engaged in the organization of labor, has been that strikes are most frequent just after men are organized. The history, of course, has been that the older the organization the more disciplined its members become, and the less liability there is for interruption of work. I mean any misunderstanding between members and employers. Strikes in most instances are caused by demands for increase in wages or resisting reductions in wages. Those I presume are the most prolific disturbances in factories, mills, and coal mines. There have been strikes, local strikes, on account of failure or refusal of the employer to recognize the union, or to recognize a committee of the union, or to comply with a request of the union for the discharge of some men. Those and other minor causes have contributed to the number of strikes. With, however, the development of the union there comes a better understanding between the members and the employer, and these causes or troubles are removed largely, so that it is rare indeed that we have strikes except for advance in wages or in resisting reductions.

Q. Are the miners more or less liable to strike than are the men in other trades?—A. I do not know that they are, as a general thing.

Q. Is there any peculiar condition met in your trade that can not be foreseen, which is liable to result in strikes, and which is not met with in other trades? The screen, for instance; it has been said by other witnesses that the screen is a very prolific cause for strikes, because it very often gets out of adjustment.—A. We have had that trouble, but it has been largely removed by reason of the new system.

Q. Have you a new system in your State?—A. Yes; by agreement miners are paid for the product on a basis of what they call the "gross weight."

Q. That is, weighed or measured without being screened?—A. It is weighed before the product is screened. It makes no difference to the coal miners in Illinois how large the screen may be, under the present method.

Q. How was that system brought about?—A. That system was brought about as a result of this organization of miners and mine operators, embracing the States of Illinois, Indiana, Ohio, and Pennsylvania. It was done as a result of joint convention—mutual agreement between the operators and miners.

Q. Is that system a satisfactory one now, so far as you know?—A. Yes; it is very satisfactory.

Q. What are the economic results of strikes and lockouts?—A. My judgment is that strikes and lockouts are a disaster, that the community must have occasion to regret the cause that operates to produce an interruption in employment; from that point of view, the strike and lookout is an evil. Nevertheless, they are a necessity at times, and where important principles are involved the result has been beneficial to the members and also the general public.

Personally I have never taken very much interest in the system of boycotting. We had so much of it during the régime of the Knights of Labor in this country. So many different articles were placed under the ban of that organization that most of the members of trade unions did not know what was and was not boycotted. I question also the power of the boycott as it has been exercised in the past. It is a very difficult matter for the members of organizations who have a grievance to prohibit the purchase of some article that everybody uses.

On the subject of the blacklist—of course, I have no sympathy with that. Every good citizen ought to be opposed to the blacklist. The blacklist is more effective than the boycott, for the reason that you can reach the producer, and you can not in every case reach the consumer of the product. There is that distinction between the blacklist and boycott. If there is any legislation that could be enacted concerning the blacklist, it should be adopted at once.

Q. (By Mr. FARQUHAR.) Your opinion is that both the boycott and blacklist ought to be abolished?—A. Yes.

Q. (By Mr. RATCHFORD). What have you to say of conciliation, mediation and arbitration?—A. Under our law in the State of Illinois, notwithstanding it has been and is yet very imperfect, we have accomplished a great many good things, not so much in the way of arbitration, but in the way of mediation and conciliation. Strikes have been averted by reason of the kindly intervention of the members of our State arbitration board. We find, however, that under our present law it is entirely too voluntary; that was our experience with it in the places where trouble could not be evaded by conciliation and mediation, and where arbitration was offered and refused. We found there was nothing in our present law that would enable the arbitrators to get at the facts. For instance, there is a provision in the law authorizing the board to issue subpœnas for the attendance of witnesses, but no power to punish for failure to attend, and the result was in all these instances where the situation became aggravating, where a strike came on, that the witnesses sometimes refused to appear, and treated the subpœnas with contempt. The same objection applies to the provision authorizing the subpœna of a witness, clerks and other persons having charge of the records of corporations. At the late session of the legislature in Illinois some important amendments were made to our law. One is that where an employer of labor and the employees agree to arbitrate a trade controversy, the decision of the board will be final, and that the award will have to be complied with, and that if either party refuses to comply with the award, then the fact of such refusal can be certified to and an order issued for punishment as for contempt. The punishment, however, does not include imprisonment. The other part of the amended act requires the attendance of witnesses and also the production of books. It is thought and felt that while the law is voluntary, so far as ultimate results are concerned in the case of trouble, the effect of the publication of facts to which the members of the board will have access under this amendment will be to encourage people having troubles to go before the board, and that it will result in the satisfactory settlement of a great many disputes.

Q. (By Mr. FARQUHAR.) How many members compose the board?—A. Three.

Q. Is the board nonpartisan?—A. Yes. One member of the board belongs to the opposite party from the party in power; the others are of the same political faith as the appointing power.

Q. Any labor representative on the board?—A. Yes; we have a labor representative.

Q. Appointed as a workingman?—A. Appointed as a workingman—appointed because he represents the trade organizations.

Q. (By Mr. RATCHFORD.) As nearly a nonpartisan board as could be made up?—A. Substantially so.

Q. What is your judgment on arbitration by joint committees from the associations involved in a dispute?—A. We have had some experience in that way in the settlement of disputes. In many instances we find that the employer or, in some instances, the employees do not care to submit their case to the State board of arbitration, but are in favor of arbitration in that way—joint committees representing employees and employers. Of course the principle is just as effectively applied in that way as under the State law.

Q. Which plan do you regard as being the most efficient?—A. I would be inclined to think that the State plan, carrying with it the authority of law, would probably exercise a better influence than the other, although both are capable of accomplishing a great deal of good.

Q. Do you believe that the State plan should be made compulsory on both parties?—A. I have always opposed the principle of compulsory arbitration until, I will be frank to admit, the recent labor disturbances in the State of Illinois. I

had occasion to oppose in the public press the views of a distinguished trades unionist on that question some few years ago. He took the position that compulsory arbitration was the right and proper thing, and I took issue with him. I have had no reason to change my opinion on that subject, except incidentally in connection with the labor troubles in the State of Illinois. It seems to me that the community has some rights and some interests, and that their privileges should not be destroyed by reason of the failure of the employee and employer to come to some agreement; and that where it involves the credit and honor of the State; where it means the breaking up, as it has in the city of Pana, of homes and families, separation of members of churches, and destruction of several prosperous business houses; where it has cost the State of Illinois and the county of Christian more money than would have paid the wages of the miners employed at Pana the union scale; where that state of affairs existed for about 13 months, it has inclined me to the opinion that there ought to be some legal force applied to effect a settlement under a condition of that kind. Otherwise, on the general plan as to compulsory arbitration, I would have to be opposed to it.

Q. Do you believe that if you had had compulsory arbitration there this trouble would have been avoided?—A. Never would have occurred.

Q. If the organizations of employers and employees had been incorporated under the laws of the State, would it not also have been avoided?—A. I think so.

Q. What have you to say with reference to the injunction in strikes?—A. I take the same view of the injunction as I would of the black list. I consider that the injunction, as a means of punishment, is unfair; that it operates, has operated, and will, if applied in the future, tend to operate in defiance of the rights of our citizens. It is a system that gives into the hands of one man entirely too much power. It is a method that contemplates and seeks to prevent the violation of law, and punishes the man who might be guilty of violating the injunction without trial of a jury of his peers. I am decidedly opposed to the injunction in strikes. I believe it is perversion of the law. The law of injunction was never intended, in my judgment, to apply in the way that some of our judges have applied it in labor disputes.

Q. (By Mr. A. L. HARRIS.) Has it not been the abuses largely of the right of injunction that brought it into disrepute?—A. It is that especially, of course, against which I protest. Of course the law of injunction, applied as it was before these labor troubles occurred, was a necessity. It is simply its application in that way that I object to.

Q. (By Mr. FARQUHAR.) Do you have any objections at all to the operation of temporary injunctions? Do you not think that it is fair for a community to have on its statute books a law authorizing temporary injunctions in case of these troubles, whether with laboring men or any other?—A. As a proposition in law there is no objection to it.

Q. (By Mr. RATCHFORD.) Have you ever known where an injunction served the purpose for which it was particularly intended, the prevention of a crime?—A. My judgment is it has not; its purpose has invariably been defeated and it has failed to accomplish what it was designed for, so far as it relates to labor troubles.

Q. State what, in your judgment, are the proper terms of payment of wages.—A. We have had a considerable amount of agitation of the wage question—that is, the payment of wages in the State of Illinois. Several years ago appeals were made to the legislature and they invariably complied with those appeals, and laws providing for weekly wages were passed, but upon their being taken to the supreme court they were invariably declared unconstitutional. That was true not only of the law requiring the screening of coal and regarding truck stores, but also in regard to the time at which wages should be paid. All that class of legislation was declared unconstitutional by the supreme court of our State. However, the sentiment created by that agitation and that legislation helped to secure the very object of the laws; for within the last few years there everything that was sought in that way has been accomplished by mutual agreement. That is to say, the screen question, as far as our mining industry is concerned, has been removed by agreement between the miners and operators, and the custom of paying every 2 weeks has become quite general throughout the mining districts of Illinois; and in the truck-store system, which we sought to destroy by law, many of its worst features have been removed, so that the evils complained of by the miners some years ago have been minimized, so far as my observation goes. I take the position that the more frequently the wages are paid the better it is for the employees, and I do not believe it involves very much of a hardship on the employer. When this matter was being discussed, the point that was most frequently referred to, especially by some of our employers of labor in Illinois, was that if the workmen were paid wages every week or semimonthly it would mean

much lost time from the service; that it was the custom for the employees to become intoxicated on pay days, and that they lost time in that way, and they supposed with more frequent pays there would be more drunkenness and more lost time. They opposed it on that ground, assigning that as a moral reason why the period between pays should be increased rather than diminished. I am glad to say, however, that thus far their apprehensions have not been realized; that with the frequency of our pays has come a better condition among the wage-earning class. There is no noticeable increase of drunkenness and certainly the record does not show there has been any increase in lost time by reason of that system.

Q. Is it an advantage to the worker to receive that pay more frequently?—A. No question about it.

Q. Laws relating to screens, stores, and terms of payment having been declared unconstitutional by courts of your State, could you state in general terms why they were declared unconstitutional?—A. The law passed by the legislature abolishing the truck system, and the one providing for the weighing in gross of the miners' product, and that providing for the payment of wages every week were declared unconstitutional by our courts for the reason that they denied or prevented the exercise of the right of liberty of contract.

Q. (By Mr. FARQUHAR.) Under the claim that it was class legislation?—A. That question was not particularly considered in the opinions of the court.

Q. (By Mr. RATCHFORD.) If the employers within a year or two thereafter conceded to the demand of the miners and with them made a mutual agreement, giving to them all that those laws contemplated giving, wherein is the justice of declaring them unconstitutional on those grounds? How is it a denial of the right of liberty of contract if the employing classes are willing to concede it?—A. It was the mutual act of the employees in harmony with the mutual act of the employers that led up to these changes. To attempt the same thing by statute was to substitute, as the court held, the will of the legislature for that of the contracting parties. On those grounds it was declared invalid.

Q. (By Mr. FARQUHAR.) Have you in the State of Illinois a law declaring that wages shall be paid in bankable currency?—A. We have a law providing for the payment of wages in currency of the United States. That has never been in question at all.

Q. Did not that insure the abolishment of truck stores at once?—A. It has not had that effect. That law has been passed on indirectly by our own courts. If it ever came to an issue I have no doubt the courts would rule it out.

Q. It stayed in force since July 1, 1895?—A. Yes.

Q. (By Mr. RATCHFORD.) Sliding wage scales; the living wage; what have you to say on these subjects?—A. I have never had any experience with the system of sliding scales. The work in which I was formerly engaged was fixed by a yearly contract providing for a specific amount of wages. I think, however, that in the industry where the system obtains it is operated successfully, especially in connection with the minimum wage scale; that the common suspicion of the sliding wage scale among workingman generally is that it slides only one way; but a scale based on a minimum wage, below which it can not go, and providing for an adjustment in case of the advance of the product is all right. The living wage—the term is not altogether clear. I presume what is meant by living wage is the standard that the laboring man should be able to maintain; that the wages received for his labor should be sufficient to not only furnish all the necessaries of life, but some of the luxuries as well.

Now, we have the system of store orders in Illinois. I said a moment ago that the law prohibiting the truck system had been declared unconstitutional, but that the more objectionable features of the old truck system, so far as they affect the mining industry of the State, have been largely removed. The truck store is the product of industrial isolation. You find the truck store removed a distance of 3, 4, or 5 miles, in some cases, from the provision stores of the city, and it was a convenience in one sense; but the impositions and exorbitant prices of certain stores made them an unqualified evil. However, with the growth of industrial communities, particularly as applied to mining towns of 10,000, 15,000, or 20,000 population, they were required to meet the prices fixed by other stores, so that on the point of rates between the truck store and the ordinary provision store the difference is not much, if any.

Q. You were speaking in that connection of the miners in your State?—A. Yes.

Q. Is the truck store a greater or less evil in other mining States, so far as your knowledge goes, than it is in the State of Illinois?—A. In a general way, I know that many of the abuses that were practiced in the State of Illinois 10 or 15 years ago in connection with truck stores are being practiced in some States yet, and that in those cases, of course, it is a decided evil.

Q. What do you attribute the change to in your State?—A. I do not know specifically what has caused the change, aside from the growing up of these mining towns that were merely hamlets 10 or 15 years ago into good-sized cities, and recent organization that has been formed among the men. That has formed a part, in fact, of some of the contracts made for mining; the prices for supplies have been regulated and reduced in that way by agreement.

Q. (By Mr. FARQUHAR.) In that arrangement between operators and yourselves do you have any specific agreement in respect to these truck stores?—A. No, not specially, except as it applied to supplies of oil and powder and articles of that kind that were used in the business.

Q. Not general provisions?—A. No.

Q. (By Mr. RATCHFORD.) Do you regard the truck store in almost any case, if not in every case, as being a necessary adjunct to the mine?—A. No; I do not.

Q. Do you regard it as being in any way beneficial to the trade from the standpoint either of the miner or operator?—A. No; I think the effect of the system has been detrimental. Supplying the necessities of 300 or 400 or 500 men from one common company store has in the past netted an immense revenue to the corporations. This has in some cases been used as a means of underbidding their competitors, with its consequent effect on miners' wages.

Q. Has the miners' organization at any time adopted resolutions in regard to truck stores?—A. Always.

Q. Is it or is it not a fact, as is the case with the injunction, that it is the abuse, the exorbitant prices, the unjust practices in the company store, that the miners have always protested against, and not the principle of keeping a store?—A. That is undoubtedly true.

Q. Fines and penalties; mine tenements; have you anything to say on either of these?—A. There is the same objection to be urged to the tenements as to the store—that is, the system—the principle is wrong. In the centers where they have these tenements they remind one very much of the slave cabins of the South. There is entirely too much uniformity. The principle of paying out wages with one hand and receiving profits from the same class with the other is bad. The tenement, like the truck store, may prove a local convenience, and where the system is not abused of course it can be tolerated. Where mines are isolated the tenement becomes a necessary part of the mining plant.

Q. Could you state in general terms what the wages were before and after the coal-miners' strike of 1897?—A. Wages, as a result of the suspension in 1897 and the joint agreement with the mine owners, were advanced during that and the following year about 30 per cent. For instance, in the Springfield district in October, 1897, when the suspension ended, the prevailing mining rate was about 30 cents, some places 32 cents, some places 28 cents, so that the prevailing rate was 30 cents a ton. By virtue of the agreement reached on the 1st of October it was advanced to 37.7 cents, and then the agreement reached at Chicago one year later put it up to 40.7 cents. That agreement went into effect the following April, so that the mining advance in that field was equivalent to about 36 per cent. In other sections of the State of Illinois, notably in the southern part, the advance amounted to, in one instance, a little over 100 per cent. The report which we prepared, relating to the suspension and the result as reflected in an increase wage scale, has been circulated, and a copy can be furnished the commission. I will be glad to furnish it.

Q. Relative rates of wages; relative social condition of labor, during the past 50 years; and influence of organized labor on wages; what have you to say on those three topics?—A. The relative rate of wages, considered particularly in connection with the purchasing power of wages, which is an important factor, has materially increased, not only during the last 50 but during the last 35 years in the United States, and, of course, with the increase of wages there has gone on an increased social condition; one is the complement of the other.

The influence of organized labor on wages; while the influences governing the question of wages are many and varied, there is no question about the effect of organized labor in maintaining and advancing wages. Much of the increase in wages that has been obtained during the past few years has come about as the result, not alone of the improved market conditions in the United States, but somewhat from the effect of the power and influence exercised by the organized labor of this country. You invariably find that where there is an absence of organization wages are lower, even in the same city or in the same country; that among the immediate and visible effects of labor organization is an advance, not only in the rate of compensation, but also in the social condition of the workers themselves.

Q. (By Mr. FARQUHAR.) Is it not also a fact that that leads to more stable, more continuous employment?—A. I think there is no question about that.

Q. (By Mr. RATCHFORD.) Take up the question of employment; increased or decreased number employed. Have you anything to say on that?—A. I have some decided opinions on that question. There is a common impression among a great many of our pretty well informed laboring men in this country that a valid reason for opposing the introduction of machine methods of production was on account of the fact that it decreased the number of the employed, and that it added to the army of the unemployed. I look at it from this view point, that there is more machinery employed in the world to-day than ever before and that there are more hands employed at the same time; that the number employed is greater relatively now than ever before, and that that increase has come in a large measure through the invention and application of labor-saving machinery. I do not know of a better illustration of that fact than in the printing press. This has been perfected to such an extent that the Hoe printing press, which is used to-day for the printing of our metropolitan newspapers, can turn out in 12 hours as many copies as the labor of 5,000 men could under the primitive hand system; and yet, strange as it may seem, there has been a very material increase in the number of printers employed in the United States. That result has been reached largely through the fact that changes caused by the introduction of machinery have created a demand for the products of the machine; that by the economy of that process the price has been reduced; everybody can now buy newspapers. Not only has it exerted its influence in that way in increasing the number of men who are profitably employed and also reducing the cost of the product itself, but there have been a number of new industries created as a result of these changes. There is the institution of bookbinding, the manufacture of paper, and other tributary industries to that of the printing press. So that the effect of the machine, instead of diminishing the number of employed, has ultimately increased it. What was considered a displacement and what was really a displacement temporarily, as the result of the invention of the machine, was in fact simply a rearranging; and ultimately the effect and result has been, and is, not only to give employment to an increased number of men, but also, incidental to that, at an increased rate of wages, and incidental to that, at a reduced working day.

The average number of days employed during the year varies in different industries. It will average in the mining industry of Illinois about 175 or 180 days under normal conditions. Last year, of course, the record shows a decline, but that is explained by the fact that about 4 months of the year for which this report is made the miners were not employed. In the other industries it varies, I presume, all the way from 275 to probably 300 days.

Q. (By Mr. FARQUHAR.) What do you say about the shorter workday?—A. I am an enthusiastic advocate of the shorter workday; I have always been.

Q. (By Mr. RATCHFORD.) What have you to say with reference to the employment of children?—A. In our State, in the mining industry, of course, the limit is 14 years; fixed by law.

Q. Is it observed generally?—A. Yes; the law is pretty generally enforced.

Q. Whose duty is it to enforce it?—A. It is the duty of the State mine inspector. I do not know of any infractions of the law. The difficulty of enforcing the factory law regarding the employment of children is greater. I understand, from my conversations with the chief factory inspector of Illinois, that fully one-fourth of the time of the deputies of that State is employed in prosecuting violations of the child-labor law.

Q. (By Mr. FARQUHAR.) Do you think that the State of Illinois is as far advanced as other States in respect to factory legislation and general labor laws?—A. I do not think that Illinois is very far behind even Massachusetts in the matter of its labor legislation. Of course, we had the advantage of them in one respect. They manufactured the legislation and we in turn adopted it, so that it has been substantially along the same lines. In the factory act of 1893, the main provision, regarding the employment of women and regulating the time during which women may be employed, was declared unconstitutional by our courts for substantially the same reason that they declared against the semiweekly law and the screen law and other things of that kind—because it denied the women the right to make private contracts. If that provision could have been maintained and the law enforced, it would have gone a long way toward correcting and removing the evils of the sweat shops in the city of Chicago.

Q. Is there anything in the constitution of the State of Illinois that limits or does not permit this legislation that other States have?—A. The courts have construed the constitution to include that class of legislation usually as class legislation, and also as interfering with the right of private contract. The only class that the constitution mentions for legislation is the mining industry. That is provided for specifically in the constitution.

Q. What have you to say in general on immigration?—A. I have always felt that the subject of immigration was an important one, and that there was a pressing necessity during the last 10, 12, or 15 years for its regulation. I think the Fourth of July orator is responsible for a good deal of the trouble we have invited to our shores. It is not so bad now as it was some time ago, but there was a time when we were getting a class of people that the institutions of this country could not very well assimilate. They have been factors in a great many labor disturbances in this country, and while that current has been somewhat shut off or somewhat checked, we are still suffering from the results of that bad, wide-open policy in regard to immigrants, especially from southern Europe.

Q. Can you suggest any remedies for it? What restrictions do you propose, educational, or in what way?—A. The question has been of great interest to many of the members of the different industries of this country, and the suggestion of absolute prohibition is quite popular in many sections.

Q. (By Representative GARDNER.) Now, considering the matter as a purely national consideration, and that is all there is of it, as to any particular trade, would it or would it not seem more national and patriotic to limit immigration as long as sufficient labor for that trade was furnished, present and prospectively, by American apprentices?—A. I think so.

Q. Would it not seem more patriotic to limit immigration than to limit apprentices?—A. I think so. The Government ought certainly to feel an interest in the welfare of the citizenship of this country, and undoubtedly does.

Q. In considering the measure of restriction, would it, in your judgment, be wiser to build up our scheme of restriction on trade and industrial conditions rather than on the broad general question of whether the fellow coming in was liable to make a good citizen in a general way?—A. I think that the concern of our Government should be to protect the industrial interests to begin with.

Q. That the basis of an immigration law should be the industrial considerations of our trade rather than the abstract question of whether the fellow will make a good citizen and understand our institutions?—A. I think so; yes.

Q. (By Mr. RATCHFORD.) What have you to say of colored labor and non-English-speaking labor?—A. We have a great many colored laborers in Illinois, and a considerable number of non-English-speaking laborers, especially in the coal mines in the State.

Q. (By Mr. FARQUHAR.) Do you know what nationality predominates among the foreign born there in the mines?—A. The early miners consisted of English, Irish, Scotch, and Welsh, principally, but they have been superseded largely by the coming of these non-English-speaking miners. They consist of Polanders, Frenchmen, Russians, Hungarians, and Italians.

Q. (By Representative GARDNER.) Do the Englishmen, Scotchmen, Irishmen, and the Welshmen desert your mines as the Polander and others enter them?—A. Yes; a good many of them. They have drifted into other lines of business. They have been forced to it; but it is due in most instances to their ability.

Q. You know there are two elements crowding the foreigner out of the occupation which he first takes up when he comes here; one very often is the competition of a lower order; the other is his own economical and thrifty habits, by which he accumulates the means to go into some other business. Now do you attribute the retirement of the English-speaking people from the mines to one or both of these causes; and if to both, which to the greater extent?—A. I think the additional opportunities that the English-speaking miner has in this country for advancement and for the adoption of other pursuits has had a great deal to do with it. That, I think, taken in connection with the active competition and the decline in the value of his labor temporarily, as the result of the employment of these non-English-speaking laborers, has contributed to the result.

Q. Is it true with you that the English, Welsh, Scotch, or Irish miner very often has a boy who starts with him in the mines, and eventually goes through college and comes out with a collegiate education?—A. We have had many instances of that kind; they are the sons of coal miners.

Q. That boy disappears from the mines by reason of the opportunities given in this country?—A. Yes; we have instances among us, many instances, where the sons of coal miners have become attorneys and doctors, and entered the other professions.

Q. (By Mr. FARQUHAR.) Was it not the importation of contract labor into this country that drove the American and the English-speaking people out of the mines?—A. That was the start of it; yes.

Q. Was not the whole of it contract labor, cheap European labor?—A. Yes; and following that application the prices for mining and that class of work declined temporarily to a very great extent, and the occupation was no longer an induce-

ment to the better skilled craftsman and he left it and found something else. Many of them went on the farms of this country.

Q. (By Mr. RATCHFORD.) We would infer from that, then, that those of a higher standard of intelligence have been forced to abandon that occupation to that extent; and that it is now in the hands of a less intelligent class of people than formerly?—A. That is true.

Q. (By Representative GARDNER.) Among that class of labor you have now, which has replaced the Irishman, Scotchman, Englishman, and the Welshman, is there that ambition for the future of the family that causes the saving and the necessary sacrifices to send a boy to college to get a higher education?—A. No; it is not so.

Q. (By Mr. RATCHFORD.) Are the public-school facilities of your State adapted to the needs of the working people?—A. I think our public-school system in Illinois is about as good and about as extensive as it is anywhere else.

Q. How about the public schools of the city of Chicago?—A. In Chicago I presume there has been more or less crowding. That has been the complaint.

Q. (By Representative GARDNER.) The growth of the city has been very rapid?—A. Yes; it has been so rapid that the school facilities probably have not kept up with it.

Q. (By Mr. RATCHFORD.) What have you to say as to convict labor?—A. There are no two opinions on the question of the effect on wages of the employment of convicts. The tendency of competition with convict labor, of course, is always to reduce the wages of free labor. It is one of the great questions that has been concerning our State legislatures, and will continue for some time. Everyone is satisfied that the convicts should be employed. It is generally accepted that idleness would be about as bad for them as a career of crime. It is agreed that the convict should be employed, but there is a question as to what kind of employment he should be given. In regard to this noncompetitive employment, of course, the employment of the convict involves the question of the removal of the competition from his labor. You can not employ a convict in any line of industry without competing with free labor. The only question that our legislatures will have to solve is, What way can this labor be employed with the least injurious effect upon the free labor on the outside?

Q. (By Representative GARDNER.) The convict laborer now trained in the State prison shoe shop, for instance, learns to run some one machine, does he not?—A. Yes.

Q. And that is all. Discharged from the prison, he may know how to run that machine and that only. What would be his chances of getting employment in his capacity as a free man after he is discharged? First, would his prison record operate against him?—A. I think it would, and his opportunity of securing just the kind of employment for which he had qualified himself during his term in the prison would probably be very rare.

Q. Now suppose, instead of being put to a machine, he was put into the process of hand and mind education, and taught to take the leather and the tools, after the manner of the old-time shoemaker, and make a pair of shoes, and then was turned out. Would or would he not have an opportunity to settle down in the village as a cobbler and make a living?—A. He could secure employment in that way, although the effect of the machine-made product is destroying the occupation of the old cobbler and the old process of making shoes by hand.

Q. But it does not interfere with the mending in any way, does it?—A. Oh, no; the cobbling industry is still living.

Q. Would or would not, in your opinion, the education of the mind and hand to the extent of teaching him to take the raw materials and make a pair of shoes have more of a reformatory effect upon him than to teach him to stand by a machine and make some particular motion there?—A. Yes; I think it would. That plan has been suggested and considered in the reform of convicts, not because there was any consideration of his reformation, but to reduce his power as a competitor in the market.

Q. What would be true in the illustration given of shoemaking would be in wickerwork, willow chairs, and like things, would it not, where the raw material, as, for instance, the willows, are taken and woven into a useful structure?—A. We had under consideration at the last session of the Illinois legislature a measure fashioned substantially after that in force in the State of New York, providing for the convicts in our Joliet and Chester penitentiaries furnishing the State and the inmates of our State institutions all supplies used by the State; that the labor of the convicts should be employed in that way. The legislature adjourned so early at the late session that, though it was ably championed by some of our reformatory people, it failed to pass. It was fashioned, as I said, after the law of New York. In that State the convicts make all the shoes and all the furniture

and all the clothes used by the inmates of the different State institutions; and in addition to that they have, I think, some 15,000 acres upon which convicts are set to work to raise the vegetables used by inmates in the State institutions. While the employment of convicts in that way unquestionably affects free labor and displaces a certain amount of free labor, yet its competitive features are considerably modified in comparison with the present plan of contracting the labor of the convict out and selling his product in competition with the free labor in the market.

Q. You think the worst feature of the competition of prison-made articles is that of their influence in regulating prices?—A. Yes.

Q. And if kept out of the market, so that they exercise no influence in the regulation of prices, the competition is not felt to a large extent?—A. No; it would protect the prices of the product of free labor. It would have that effect. It has that in its favor. The system has been very successful, and the State has managed to employ the convicts and dispose of their products in that way without any labeling.

Q. (By Mr. FARQUHAR.) Is there any feeling in the State of Illinois that the taxes would be lightened by having convict-made goods put on the market?—A. Well, I can not say as to that.

Q. Are there any in the legislature that have contended that the contract system they had in the State of New York was better than the present one?—A. I have never heard of any parties making that claim.

Q. Is it not the usual claim before your legislature that all penal institutions ought to be self-supporting?—A. Yes; they make that plea.

Q. (By Representative GARDNER.) Is it your opinion that if the interstate transportation of convict-made goods could be prevented, and so congest the competition in the States where manufactured, the legislatures of those several States would be forced by the organizations to take immediate and effectual action in suppressing the evil?—A. I think so; yes.

Q. (By Mr. RATCHFORD.) What have you to say as to labor-saving machinery and producing capacity of modern machinery and its effects on prices and profits of labor?—A. I hold, and I think the facts justify the position, that the effect of machinery has been to reduce the prices and increase the rate of labor.

Q. Increase wages?—A. Yes; that three things have occurred, and almost simultaneously: That the machine idea as a factor in production started from the highest point of industrial development, and that with this new agency in production came a lowering of the price of the product and an increase of the rate of wages, and at the same time a reduction in the hours of labor. We find that in the last 20 years that result has followed this innovation in production. Now, referring again to the fact of the increase of laboring men, the census report for 1890 took, if I remember correctly, a list of 60 different industries and compared the number of men employed in those given industries in 1880 and also in 1890, and the record showed that there was a marvelous increase in the number of men employed in those different lines of industry during that decade, and that, together with that increase of employment, there was a material increase in the rate of wages earned.

On the question of the capacity of the several mining industries in relation to consumption and existing markets, I will say that in the preparation of our last coal report for 1898 we took, for the first time, the statistics of possible coal production—that is, we presumed what, with the present equipment of mining plants and running full time, the yearly production would be—and we found from the returns, which were presumably correct and authentic, that the mines of the State of Illinois, some 811 altogether and equipped as they now are and running full time, could produce about 45,000,000 tons, which is 26,000,000 tons more than we have been able heretofore to find a market for. So that the capacity of the mining interests of Illinois (and I presume the same ratio would hold good for the mining plants throughout the country) is about double the market requirements. Overproduction and underconsumption are theories, you know, that have caused considerable discussion and some amusement, whether one is the cause or effect, or vice versa.

As to industrial and remedial legislation, I am taking some little interest in the matter of liability laws. We had one prepared for Illinois and had it introduced at the late session, but on account of the early adjournment, together with the fact that we had some other important legislation in hand, we were prevented from giving it that attention that we should have, and it failed to become a law. It seems to me that the Congress of the United States can enact some good legislation on that question. My private opinion is that we should have a universal law on that question, and that the Congress of the United States, like the Parliament of

Great Britain, should pass it. With the development of the industrial interests of the country during the last 30 years, there is a great necessity and a demand for legislation of this kind. In all fairness to the employing class, between the theory of our judges on the question of contributory negligence and the fellow-servant law, it is almost impossible to establish liability in a damage suit in any of our courts. Our courts have held, for instance, that the crew of one train going east are fellow-servants with the crew on another train going west, and that if death should result through an accident on account of the carelessness of the engineer or the conductor the road could not be held liable, and no damages could be recovered for an accident of that kind. Our courts have held, for instance, in the mining industry that the engineer in the engine house is a fellow-servant with the laborer on the cage, and that, if through the negligence of the engineer the man's life is lost, he, or rather his heirs, have no cause of action against the company. They are exempt from liability, first, under the theory of this fellow-servant idea, and, second, on account of the theory of our courts concerning what constitutes contributory negligence. We have not yet decided the question in the State of Illinois whether negligence is a question of fact for the jury or a question of law for the judge. It has been decided both ways.

In regard to mine-inspection laws, I will say that at the late session of the general assembly the entire body of our mining laws was revised. It was a work that was conducted and prepared by our bureau and involved a great deal of care and labor. Since the first enactment, 25 years ago, some provisions had been declared unconstitutional, and it had been amended from time to time until it was questionable in the judgment of our judges whether we had any mining legislation that the courts could recognize and enforce; it was so inconsistent and incongruous. We went to work and revised the entire system, and have, I presume, the very best mining legislation of any State in this country. Of course, it relates absolutely to the mining industry.

Q. (By Representative GARDNER.) The legislature passed it substantially as you prepared it?—A. The legislature passed the bill as it came from my office without a dissenting vote either in the house or senate. It was passed unanimously, without amendment, without a change in a word or line, and it will go into effect on the 1st day of next July.

Q. (By Mr. FARQUHAR.) What have you to say about the uniformity of mining legislation in the several States?—A. It would be a very great thing if it could be accomplished. The difficulty is that as you develop your industry you need certain kinds of legislation. What is true in the State of Illinois is not true in some State where the industry is not so developed.

Q. Do you think it would be a positive advantage both to the operators and to the mine workers to have more uniform legislation?—A. I am disposed to think it would.

Q. Do you not think that, taking the entire industry, the two great kinds of coal—anthracite and bituminous—it would be beneficial for the mine workers and the operators to come to a general understanding in each State as to more uniform egislation and fair play between them?—A. I think so, and I think there is a growing disposition in that direction, too.

Q. Do you not think such means as that will gradually lead you higher and higher and bring you into more improved conditions?—A. Our new mining law covers about 50 pages. It was agreed upon by committees representing our commissioners, the miners' organization, and the mine operators of the State, so that the legislature had no reason to protest or object to the provisions of the bill. It was substantially agreed to by all those interests.

Q. (By Mr. KENNEDY.) Is Illinois backward in regard to personal-safety laws in factories and workshops, particularly in respect of fire escapes?—A. I think our legislation on that question is fairly well advanced. At the last session of the legislature the fire-escape law was repealed and another substituted in its place. The new act contains an emergency clause, and took effect from the date of its approval by the governor, April 21, 1899. The only change from the former enactment is in the manner of its enforcement. Under the old act the duty of enforcement devolved on the factory inspectors. Under the present law that power is delegated to the corporate authorities of the towns and cities. Strictly speaking, there has been no repeal of the provisions of our law relating to fire escapes. The change provided for in the present act was made necessary on account of some litigation growing out of defective fire escapes which had been approved by the former factory inspectors. In the report for 1898, 8 convictions for failure to erect fire escapes are reported, also for failure to provide blowers for friction wheels. That was also provided for several years ago.

Q. In your opinion, what has been the influence in the last 30 years that has

brought about the enactment of the personal-safety laws, the laws regulating the employment of children, the laws regulating mediation and arbitration, convict labor, inspection, etc.?—A. I think it has come principally from the influence exercised by the organized labor of the country.

Q. Has not organized labor sent lobbyists to the State legislatures for this legislation?—A. And to that interest is due the credit for that legislation. I think that is true.

Q. What interest is it in your State that is agitating the adoption of the New York State industrial code in the State of Illinois?—A. Those interested in the enactment of a more rigid factory law.

Q. Has it been recommended by any State officer recently?—A. No; I do not know of any recommendation of that kind. Of course, New York and Massachusetts and those Eastern States have had those difficulties to contend with for a much longer period of time, and in many respects they get better regulations, but the tendency, anyhow in Illinois and in other Western States, is to adopt the provisions and regulations of the Eastern States, so that they will eventually come to be nearly uniform in one way or another. The bill introduced at the late session of our legislature concerning convict labor was copied from the New York act that has been in force for about 2 years in that State—1896, 1897.

Q. Has there been any effort to have the factory-inspection laws of the State of New York duplicated in Illinois?—A. No, not that I have any knowledge of. Our factory legislation has been somewhat neglected. I do not know for what reason. The system has been crippled by reason of the failure of the State to furnish sufficient money. The factory inspector has been required to lay off a great number of his deputies for 3 or 4 months during each year, for the reason that the State had neglected to move, or the people interested in that line of work had not succeeded in securing the necessary appropriations. This year, however, at the late session of the legislature, the legislature appropriated $7,000, I believe, which is an increase of $3,000 or $4,000, and will enable them to make full time at least.

Q. (By Representative GARDNER.) The chief officers of the various State labor bureaus meet in annual convention each year, do they not?—A. Yes.

Q. Is that likely or not to lead to a general harmonizing of ideas among them as to labor legislation?—A. That feature has not been considered particularly. I was present as a delegate from Illinois at the last two conventions of the chiefs of labor bureaus, the first one at Nashville and the last one at Detroit, and the questions considered at those conventions related more to a general discussion of economic questions and a review of the current work in which the bureaus were then engaged than to any labor legislation as such; but I anticipate that those questions will come up, for it is a good place at which to consider them.

STATE OF ILLINOIS, *County of Sangamon:*

I swear that the statements made by me of my own knowledge in the foregoing report of my testimony before the Industrial Commission are true, and that all other statements I believe to be true.

DAVID ROSS.

Sworn and subscribed before me this 30th day of December, 1899.

J. D. ROPER,
Notary Public, Sangamon County, Illinois.

DENVER, COLO., *July 12, 1899.*

TESTIMONY OF HON. JAMES B. GRANT,

Ex-Governor of the State of Colorado, General Manager, Smelters' Trust.

At a meeting of the subcommission on mining, at the Albany Hotel, Denver, Colo., convened at 2 p. m. July 12, 1899, Representative John C. Bell presiding, Hon. James B. Grant, being duly sworn, testified as follows concerning the mining industry in Colorado:

Q. (By Mr. RATCHFORD.) Will you kindly state to the commission your full name, address, and place of business?—A. James B. Grant; for many years I have been in business; my headquarters have been in Denver, but my company operates in different places; my residence is Denver, Colo.; my chief business has been that of smelting lead, silver, and gold ores, and refining. Incidentally I have been engaged in silver and lead mining in Colorado.

Q. Any connection with coal mining?—A. No; no more than holding some stock in coal mines. I know nothing especially about the coal-mining business.

Q. How long have you been engaged in mining and smelting?—A. Twenty-one years.

Q. If you will kindly take the topical plan of inquiry, it will not be necessary to question you so frequently. You can take the questions as indicated by the numbers and treat them in your own way, taking your own time and making your statements as fully as you care to. Taking first the topic suggested on page 7, Part II—Comparative earnings of capital invested in mining during the past 50 years.—A. In the State of Colorado there has not been any great amount of capital, I should say, invested in the mining business, except as it has been taken out of the mines. In other words, almost every mining district in Colorado has furnished the capital to develop the mines of that district, so it is hard to make any comparison with other lines of business. If a man engages in any other form of business—taking the banking business, for instance—he puts in a large amount of capital, but in the precious metal mining in this State there has been very little original capital put in. Of course a great deal has been put in in speculative enterprises, but the real paying properties have been discovered by prospectors, and they have sold many of them to speculators.

Q. And largely, say, within the last 50 years?—A. Within the last 20 years.

Q. If you can not make a comparison with the present time and 50 years ago, take as far back as you can—20 or 15 years.—A. I don't believe I could give any reliable information on that. There is such a vast amount of money put into mining that is speculative, and from which you can get no returns, that it is almost impossible to make a comparison with what we call a strictly manufacturing or banking business.

Q. That has always been true, has it not?—A. Yes; that is true as to silver and gold mining.

Q. You can not state in general terms as to the earnings of capital compared with this and any previous time?—A. I do not think so. There are very few mines in this State where a large amount of money has been placed with a view of permanent investment; it is largely speculative, and it does not make any difference what part of the State is concerned. I look upon it largely as a speculative business that promises enormous returns on the money invested. There are few large mining properties in this State—low-grade mines—where capital has been invested and has built mills and got good, fair returns; that is not the rule. Take the Leadville district, and take that of Cripple Creek, and such mines as the Little Pittsburg and the Independence—the Independence was discovered by Mr. Stratton—and the Portland—that was discovered by Burns and Doyle and their associates. They had absolutely no capital to back them, and yet the Independence is now paying $150,000 per month, and I presume Stratton would tell you that he didn't invest $500 to begin with; the mine paid from the grass roots. Now the investor comes in and it was sold, or supposed to be, in London, on a very large basis, stated by the papers to be five or ten million dollars. It will take years before that mine is exhausted, in all probability, so you can see what an amount of interest that mine will pay on the amount invested; and so far as the prospector is concerned it has paid beyond all calculation. This is the case with the Portland; it is the case with the Elkton, and every other big mine in Cripple Creek to-day. The original cost to the owner was about the price of the land paid to the Government; and if not, it is paid in prospecting, sinking shafts, etc. I know that is the case at Leadville; it was the case at Aspen, except so far as money was spent in litigation. There capital came in and fought lawsuits over the property, and large investments were made on that basis. Counting the returns to the capitalist, probably that has not been very flattering, because he comes in really at the very top of the ladder and gets out where he can.

Q. Is the capital invested for the development of the mineral resources of your State to-day greater, in your opinion, than it has been at any previous time?—A. I think so; yes.

Q. Is it still increasing?—A. Yes; mostly in the way of improvements—in the way of concentrating mills and drainage tunnels, deep shafts, and conveniences for handling the ore, such as conveyances for taking the ore from above timber line down to the streams and valleys below. The great amount of money that has been put into the business in the past few years has been spent in the way of tunnels, improvements in concentrating mills, and cyanide mills for treating low-grade ores, for tramways for conveying the ore from the mountain tops to the valleys, etc.

Q. Is that increased capital invested in mining due to the prosperous condition of mining, or due to the lack of that prosperous condition in other lines of industry?—A. I think it is due to the fact that people see more money in it than they

do in other lines of industry or investment, and it is also due to the fact that many people located claims in this State 20 or 30 years ago upon which they never did much because of the cost of the treatment of the ores—low-grade mines—and now that the prices for treatment have been lowered and the cost of development is cheaper, through the utilization of electricity and other modern methods, the prospector has been enabled to induce capitalists to take hold of these properties and develop them.

Q. You state, then, do you, that there is more money in mining than there is in other lines of industry? Do you make that statement clearly and definitely?—A. I could not say that definitely. The profits in certain instances are so great that, as a whole, it invites capitalists to such an extent that it draws them away from the other industries in the mining district; and that is going on to-day to an extent that has never before existed in this State.

Q. What have been the effects of restrictive and other industrial legislation on the capital employed in mining in your State?—A. Does that refer to State or Federal legislation?

Q. To State, or to any part of the State you care to speak of.—A. There is no legislation in this State that could be regarded as restrictive legislation, unless you consider the act of the last legislature on the 8-hour law. There is no such legislation that I know of, unless that could be considered so. There has been no legislation that tends to discourage the people from investing in mines at all, and I don't think that that law tends to discourage them; but if it does, then, with that exception, there is nothing that I recall that does.

Q. Have you had any legislation as to screens, company stores, or other conditions extending to mining?—A. Yes; the last legislature passed a law in regard to company stores; but that has been very limited in this State. The practice of the company store has been very limited and has never been practiced, so far as I know, in the precious-metal industry. The most that has been done in the precious-metal industry is, where the mine is located on the hillsides, away from towns and villages, the companies have had a few boarding houses, but in no case do I know of a silver or gold mine having stores in the State of Colorado. The only company having stores, so far as I know, is the Colorado Fuel and Iron Company, and I don't suppose it would interfere with the mining industry if stores were abolished entirely; so that the abolition of the company stores could not be regarded as affecting the coal-mining industry in this State.

Q. You are connected with various companies, both in the mining and the smelting business?—A. Yes.

Q. You are representing those companies here to-day, are you?—A. Yes.

Q. Will you state the number of mines owned and operated by the companies with which you are connected, and where they are located?—A. I am interested in the Smuggler-Union mine, at Telluride, Colo. I am interested in various mines as a stockholder, and some of them as a pretty large stockholder, in Leadville, Colo.

Q. Do you wish to call the names of the various companies?—A. The Silver-Gold Company and the Nisi Prius Company at Leadville, and I am also interested in mines in Idaho and in Utah; probably 6 or 7.

Q. Could you state approximately the number of miners employed in the different mines in which you are interested?—A. Of the different companies I am interested in to-day, the most men are employed in the Smuggler-Union—about 300 men employed there. I am in the Smuggler as a stockholder, and have been a stockholder for many years. I suppose there are about 500 men employed by the different mining companies in which I am interested as a stockholder.

Q. And can you state the number who are connected with the mines who are not miners?—A. Do you mean the smelting business?

Q. No; I mean mining laborers—day hands, as they are called—outside of those who are miners. I mean the men working about the mines who are not miners?—A. What I had reference to included the whole number of men.

Q. Could you state to the commission the amount of capital invested in mining by the different companies that you have named?—A. No; I could not.

Q. As to taxation, character, extent, and effects of in the different States, in your own State—what do you say in that connection?—A. I think the tax laws are very favorable to mining. I should say they are very favorable; a very light valuation is placed upon the improvements upon the surface, and all of the mines of the State are taxed under a general law on a certain percentage of the net output.

Q. As to this percentage of the net output—if you make no profit you pay no taxes, except on improvements?—A. Like buildings, machinery, etc. As a general thing the buildings and machinery are put in at a small valuation.

Q. You have no suggestions, then, to make for the modification of the tax methods?—A. No; I never heard a complaint made about taxes in the mining industry. I don't think the taxes are burdensome in any way.

Q. In the transportation of the product of your mines, have you experienced any discrimination?—A. I would hardly want to answer that question.

Q. Do you decline to answer?—A. Yes.

Q. The closing of mines in localities, causes natural and artificial; what have you to say upon that topic?—A. With the exception of a short period in 1893, when the average silver miner felt that he could not mine at a profit, there were no mines closed down except for the reason that they didn't have value enough to make it profitable, and under the conditions prevailing in this State that value has to be very light. I think it is a mistaken idea about any great number of mines with vast bodies of ore in sight being closed down anywhere in the Rocky Mountains. I know of none, except where the grade is exceedingly low; and it makes no difference what value metals have, there are always certain ones carrying ore that is below the profitable point; even with gold at $50 per ounce and silver at $2 an ounce there are some mines that could not be operated at a profit; but with the improvements that have been made for the treatment of ores, both gold and silver, the improvements that have been made in concentration and in chemical methods, in mining machinery, in drills, and the use of electricity, and in methods of transporting the ore from the hillsides down to the valleys by means of conveying machines, there are very few mines of any kind of value in them that can not be made to pay. As a general thing the mines that have closed down have not value enough to make them profitable.

Q. They have never been closed through artificial causes?—A. With the exception of 1893, when we felt that we could not mine silver below 90 cents per ounce, there has been no general closing of the mines from artificial causes. Of course there are properties that could be worked at a profit if silver had a high value that are not worked to-day, but I don't believe there would be any more mines worked to-day in Colorado than there are now if silver was at 90 instead of at 60 cents per ounce. There would be very few if any more. The mines of Colorado are peculiar in this respect. There are very few camps where we have a mixture of gold, silver, copper, and lead, although many of them carry all four of these values; the most of them carry two; many of them carry three, and all of course carry one metal or the other. We always catch one high grade, which keeps people in a healthful frame of mind regarding the development of the properties, and were it not for the shutting down of the smelters and the consequent shutting down of the mines, the tonnage would be vastly greater to-day than it has been before in the history of the State.

Q. What have you to say of concentration and consolidation of capital?—A. I take a decidedly different view regarding the consolidation of capital from the great majority of the people, apparently, in the United States to-day. I contend that while at times it might make the consumer pay a little higher price, in the long run capital could get a surer return and that labor will get a more uniform condition of payment of wages; that there is less tendency to cut the price of labor in any business that is consolidated than where a various number of separate enterprises are in active competition with each other; and I regard consolidation as the inevitable result of competition and almost the only remedy for the ruinous competition that almost always prevailed in any manufacturing business many years ago. For instance, when I first started smelting it would take six months to build a furnace; we went at it very slowly and conservatively, and with a very small tonnage of ore in our furnaces at first; and at that time competition was not such a serious matter, because competitors could not build so rapidly as they can at the present time. To-day, where we can smelt 100 or 150 tons of ore in a furnace daily and where you can get material to construct furnaces in such a short time, any large company can in six months make preparation to handle the bulk of the silver and lead mined in the United States that is suitable for smelting. Now, if companies come in they are all in competition with each other, thereby sharpening the competition. Contracts for handling and buying ores are usually made up for six or twelve months. Suppose you get a contract that is satisfactory to you for six or twelve months; the next year in comes the competition, and in a short time you will not be running at a profit, and therefore are not going to get out of the woods. There is only so much ore to be handled, and one big company can handle a large part of it. Then there is the question of the coal to be supplied, and the laboring side of it, so that in the end the competition is disastrous to labor and disastrous to each competitor.

Q. You believe, then, that the effects of concentration, combination of capital will be beneficial to labor?—A. I believe so.

Q. Although it may result for a time in higher prices to the consumer?—A. Well, it makes it possible. Of course, in the business in which I am engaged the large part of it is gold and silver; that does not cut much figure to the consumer, but in lead it does. One or two companies handling the lead product makes it possible, in the smelting of lead and on the lead products, paint, etc.; and the beneficial result will come to the men who own the mines, and the miners will also get it in the pay for their labor.

Q. From your statement I take it that the benefit falls only to the mining and smelting interests?—A. Well, I was speaking in reference to the smelting interest.

Q. If that would be true of the smelting interest as regards combination, is it not also true of the mining interest?—A. The mining interests are very much more widely scattered than the smelting. In the State of Colorado the occurrence of gold and silver is different from that in almost any other Western State. In Idaho you have a few very large mines, and one mine alone produces almost half the entire output of Montana—the Anaconda—yet in these States the improved condition is not represented, as in Colorado. In Colorado the veins are smaller on the average, and there are a great many very rich ones, and the ownership is very diversified here. There are more people, in my opinion, getting profits out of Colorado mines than out of almost all other States and Territories put together, East or West. There are tremendous mining properties and small ownership in other States, but in Colorado many rich veins and a widely distributed ownership. Everybody has something in the mines here. This is largely due to the fact that there are an almost unlimited number of veins, and the mineral occurrence is therefore different here from in most other States. There is not a mine in Colorado that approaches, for instance, the output of the Anaconda, or reaches one-tenth of it, and in that regard it makes Colorado the most promising field for the poor man to mine in. It makes a better field than any other State in the Union. The great majority of Cripple Creek property owners are men who practically owned nothing 5, 6, or 7 years ago. In the later days the capitalists have gone in there and bought and leased mines and dabbled in stocks, but the original owners of these properties were nearly all poor men. I should say at least 85 per cent of them were poor men when they went there.

Q. The main objects sought by these combinations, according to your method of reasoning, is the limiting of competition?—A. Yes, that is what I should say; limiting competition and cheapening certain methods of handling the business, and a more certain control of the disposition of the product.

Q. If combination in this particular line of industry will bring about such results, then such combination in other lines of industry in which competition is fierce will be equally desirable, will it not?—A. I think so. I regard it as an economic tendency of the age that is going to obtain, regardless of legislation.

Q. What is the effect on smaller enterprises?—A. It will not interfere with smaller enterprises, so far as mining in precious metals is concerned. It is only in isolated cases, where there are small coal mines, that it is apt to interfere; but that is entirely different with the small owner of the precious metals mining property, because the price is practically uniform and the transportation rate is practically uniform. The small mine owner in this State gets as good prices for his ore at the smelter as the large owner, and so far as I know there is no discrimination practiced against him at this time and never has been. Sometimes the smelter company wants to get a special product of lead for the fluxing of ores; that is exceedingly important in carrying on the business, and there may be a little shading of the price beyond what you would pay for what we call a carload shipment, but it is almost universal that there is a uniform price paid for a certain grade of ore, regardless of whether this man or that man owns it.

Q. You believe this is the material point in which the mining of ore differs from the mining of coal?—A. Yes. That is to say, there is always a fixed valuation and market for the ore as it is produced, and that price is uniform, regardless of the quantity.

Q. The legal regulation of trusts and other forms of monopoly; operation of existing antitrust laws; suggestions for modifications or extensions; have you any suggestions to offer for the legal regulation of such consolidations as we have been discussing?—A. I don't see how you can legislate against them except by discriminating against them. For instance, take the particular business with which I am connected, and it may be a monopoly or trust, as it is sometimes called, where one company is made up of a large number of companies; it is simply an extended ownership under the head or possession of one company; we do not ask anything, don't ask any favors that every other man or corporation does not get, and any regulation or any legislation tending to regulate it would be

just as harmful to other industries as to ours. If you legislate this consolidated industry out of existence, it seems to me that you must legislate individual industries out of existence, unless you make an open discrimination, and simply say that you don't want this large amount of capital invested in this business, and legislate it out of existence.

Q. Do you believe that any law that would in any way restrict or generally regulate the management of this concern would be an unjust law?—A. Well, any law that did not apply to competitors in the same business would be.

Q. An individual business or concern?—A. To any competitor. There is no such thing now as an individual, unless he is enormously wealthy, conducting a smelting business or industry successfully. He can not do it for the reason that there is hardly a mine in the United States that furnishes just the right kind of ore to make a proper and economical smelting mixture; and there is no smelter located in Colorado which does not draw these ores from all parts of the Rocky Mountains; they draw ores from Idaho, Utah, and from Montana, and any individual or company which only operates one smelting plant will be at a disadvantage compared with any combination that covers the entire field—using the word individual, by that I mean individual or corporation, either, because there is no one individual in this country that I know of who has been operating a smelter in the past 10 years. In using the term individual I don't mean to convey to your minds that it must necessarily be a single person, but rather one or more persons who engage in business and who operate under a charter from the State.

Q. That is a partnership?—A. Yes; one or more persons.

Q. Now in one case the State is called upon to grant a charter and in the other case it is not. Do you or not believe that the State has rights in one case that it has not in the other?—A. I think it would be unjust for the State or legislature to govern a concern simply by virtue of its charter when it had no special privileges, and not have the same legislation apply to the partnership competitor in the same business, and make the distinction that one had a charter and the other had not. That would of course tend to prevent the consolidation of capital, and prevent the organization of companies. It would throw the business back into the hands of partnerships and individuals. In that way of course we would go in and do business, but we could not do it on the same scale as we did, or as we do under the conditions now prevailing. The development of these mining properties would never have been so rapid under such conditions—under the partnership conditions—as they have been.

Q. Do you find that under such a combination you will be able to smelt cheaper than formerly?—A. We have not been running long enough to tell. Naturally we expect to be able to cut off a great many expenses.

Q. That brings us back again to the statement you made earlier in your testimony. You expect to be able to reduce the expenses of producing your material by reason of the combination, and you stated that you expect the existence of that combination will result in higher prices to the consumer.—A. I don't say that the company expects any profit from higher prices to the consumer, but I say it is in the power of consolidated capital to regulate the prices of their products better than when a large number of people are throwing the same product in the same market. Outside of what is consumed in the manufacturing markets of this country and others, the final disposition of silver is in London. When there were 10 of us undertaking to supply this market we very naturally got the worst of it, and I think we will be able to hold silver at a little better price—at a more stable price than we would get for it otherwise—than we got when we were operating separately. Now, the same applies to lead. There were 8 or 10 refineries selling lead. I think the officers of what is known as the lead trust will tell you that they are able, or will be able in the future, to maintain a steadier market for lead than has existed heretofore, and possibly secure a little higher average price. I don't pretend to say that the consolidation can control, in this regard, the supply and demand—that is out of the question—but every ounce of silver that has been produced since 1893 has found a ready market, so that the demand for it is active and good and always has been so; and yet at periods we have sold it away below what we know should have been the market price—sometimes 4 or 5 cents below what the market price should have been—but we were dealing as separate companies then, and if we undertook to hold it over our competitors would go in the market with 500,000 ounces or such a matter and that would make it still lower next month, and the parties at that end of the line reaped the benefits at our expense and at the expense of the producer, because the producer was only paid the market price. Along that particular line I may state that I think we will reap some benefit from consolidation, some very material benefit, but we have not operated long enough under the consolidation system to say

definitely what that benefit will be, and, of course, we may be disappointed in the result.

Q. Do you expect to regulate or limit the production in any way in order to reach this result?—A. Well, we could not do it on silver and gold. Lead production could be regulated very easily, but it would take $10,000,000 to do it, and that would be to purchase the Cœur d'Alene mines and regulate the output. It is impossible for any consolidation to regulate the output of the mines in Colorado or Utah because of the great number of mines. That has been talked about some by combinations of mining men with smelters since 1893, but there is no way to undertake to carry out a scheme looking to that end. In Idaho they mine over 30 per cent of the lead consumed in the United States, and naturally if one corporation controlled those lead mines it could limit the production and make money by so doing.

Q. I take it, then, that there are two main objects sought by this smelter combination—first, to reduce the cost of producing the ore; secondly, to have the disposing of it at a higher price?—A. Yes.

Q. Take up topic 53 in this same relation. The causes inducing combinations; objects sought by them; results secured; rules, regulations, and constitutions; manner and extent of enforcing authority. Please answer it in your own way.—A. The causes inducing combination in all cases, in my opinion, are to avoid excessive and ruinous competition and to enable the capitalist to get a reasonable interest on his investment by enlarging the capitalization. I would say that when any man is engaging to spend a large part of his life in building up an industrial enterprise the first thing to be considered is to get an income from it, and the one cause, in my opinion, above all others that threatens that income is competition.

Q. Have you anything to say as to the results secured?—A. Well, if the combination succeeds they will get the income. It is less necessary, where you don't have active competition, to ask railroads to reduce rates, to ask fuel companies to reduce rates, to reduce the price of coal, and it is less necessary to ask labor to concede more. It is a more satisfactory result, because a man or company engaged in an enterprise of that kind, where there is active competition, has to cut on all sides. He will undertake, before giving up his business, to cut everything that enters into the cost of the operation to the lowest possible point, and that is universal with mankind. I don't care where he is or what he is doing. He cuts the cost on every single point before he will see his business go to pieces. I claim that we have suffered more from competition than from any other thing that enters into the business. I know from personal experience that when a business gets to a low point, and practically every business reaches that point in its history where you can make little or nothing, they cut on every point. In our business the competition is on the ore, the material out of which we make our money.

Q. Is it your opinion that if such combinations continue, competition as regards labor will be limited, in time?—A. No; I don't think you can ever expect to limit the competition in labor so long as the foreigner in Europe curtails the price. I don't think the competition in labor can be limited unless the working population of Europe is barred from the United States. Out West here, that is where the danger to labor largely comes from. You see, the management of industrial enterprises, whenever threatened with strikes, as they have been frequently out in Idaho and in Wyoming, can import men from other States. That has occurred in this State a number of times. That would not be the case except for the competition in labor, possibly, in manufacturing enterprises; although the laborers that have come into the West, what you would call the importation of labor, has been mostly in the enterprises where there is no special competition. About the only business where competition does not enter is in the mining of the precious metals.

Q. Do you think that, with the combinations or trusts, our wage system will continue for a long time as it is—that is, that the laborer who desires to work the cheapest, all other things considered equal, will be the laborer that will be employed?—A. Oh, I think that is so.

Q. You believe that is the case?—A. Let me think about that a little. It is a very difficult matter to say which is the cheapest labor. It is not always in the amount that is paid. The lowest-paid man is not always the cheapest labor employed; but I think, as a general proposition, you can say that the labor that is the cheapest will always be employed where there are no restrictions against it.

Q. I will put the question in an another way in order to make the records clear on that point: That with the combinations, where 2 men are seeking employment, men who are equally skilled, equally willing and equally able to perform labor, and one is willing to work for a less price than another, do you think the one willing to work for less wages will be employed?—A. Yes.

Q. Have you anything to say as to the regulations of these combinations? Could you furnish the commission with the constitution of your organization—rules or regulations?—A. They are the ordinary by-laws of all incorporated companies. I could not tell you exactly what they are, you know. There is nothing in them materially different from any other ordinary corporation.

Q. Would you care to supply the commission with a copy of the rules and regulations of your organization?—A. Yes; I can do that, but I may not be able to do it immediately. This company is incorporated under the laws of the State of New Jersey; the officers are composed of a president, vice-president, and board of directors, and this particular organization is run by an operating committee.

Q. When was this particular organization formed, recently?—A. It was formed the 1st of May, 1899.

Q. What have you to say with regard to modern mining machinery? Do you employ machinery in your mines?—A. Yes.

Q. What are the effects of mining machinery on prices and profits and on labor?—A. Well, the only machine that tends to displace labor in a mine to any great extent is the drilling machine. They are all being improved a good deal lately, especially the drill that is operated by electricity, which is just being introduced in mining in this State now. It is supposed that men feel that anything which tends to lessen the cost of production will increase the profits, but labor has not been displaced to any great extent in mining the precious metals by machinery in this State.

Q. What is the capacity of the drilling machine?—A. That I could not tell you now.

Q. As to operating with hand labor?—A. I could not state that.

Q. Have you anything known as a gauging machine?—A. That refers to coal mining?

Q. Yes.—A. I have had no practical experience in coal mining. Of course in certain formations the drill tends to lessen the cost and tends to displace labor to a great extent.

Q. Have you anything further to say on the subject of machinery?—A. No.

Q. What have you to say of overproduction and underconsumption, causes and remedies—that is a broad field?—A. Yes. The one I have dealt with particularly is that of precious metals. We have always been afflicted with underconsumption of whatever we have put our money into. Of course there is no such thing in the immediate future as an overproduction of gold, and as long as there is an active and ready market for silver bullion you can sell every ounce produced the moment it is in shape for marketing, and you can not tell whether there is an overproduction or not. Naturally, if the world only purchased half of the silver it produces now, we would get better prices, but we can hardly class what you might call the overproduction of silver with coal or cotton or anything of that character; you can not class it with other products, whether it is overproduced or not. There has never been any serious overproduction of lead in the United States. Whenever there is a little larger amount produced than we consume, the price falls at once, unless it is held by speculators. Of course, if the production continues in advance of the seller, the falling price comes in for a time until the demand catches up with the supply.

Q. What have you to say with reference to the extension of foreign markets?—A. Well, I have no particular dealings with any products that go abroad to a large extent, except silver, so that anything I might say would not have any particular weight.

Q. Can you state, approximately, the comparative cost of production of ores for the past 20 years?—A. The cost of production is decreasing constantly in precious-metal mining. You can not compare it with coal mining or anything of that kind. You can get one man to take out 50-ounce ore at $2 a ton, and another man might get more for taking out a ton not worth anywhere near as much. It depends altogether upon the manner in which it is found—the manner in which it occurs. There has been a very general and marked decrease in the cost of production of ores in this State.

Q. That decrease is due to what?—A. Greater intelligence on the part of modern management and the use of machinery.

Q. Has that or not brought about any reduction in wages; and if so, to what extent?—A. Very little reduction. Wages in the precious-metal mining in this State have varied very little in the past 20 years.

Q. (By Mr. KENNEDY.) Do you believe labor in the mining industry in Colorado is adequately compensated?—A. Well, in the precious-metal mining I think so, compared with my knowledge of what a laboring man gets for similar work elsewhere. Now, if you had asked the question as to whether or not labor was

high enough, I could not say. I look upon it largely as a matter regulated by the supply and demand.

Q. You have said, I believe, that the combinations such as we have been speaking of have a tendency to steady the wage conditions of labor. Is there any tendency to increase the wages of labor as a result of these combinations?—A. Well, I don't say that a special combination tends to increase the price of labor.

Q. One of the objects of the combination is to increase profits, is it not?—A. Not necessarily; it is more to maintain the profits you already have.

Q. By limiting certain expenses—throwing certain superfluous employees out—are not the profits increased?—A. Well, to a certain extent; but that depends upon whether you throw anybody out or not. In our case it is not possible to dispense with employees to any great extent. Now, in this particular combination, as I have stated before, we have only been running two months, and we have not demonstrated that we can dispense with any great number of men.

Q. Do you believe that if there are increased profits as the result of this combination, the employees as well as the employers should share in such profits by an increase of wages?—A. Well, I would say that equitably they should, at least I would think they should; and I want to say as a general proposition that it is so. I think the people of any kind, whether as individuals or corporations, very seldom advance the price of labor except as a question of supply and demand. You see the business I have been engaged in has been in this State, where there has been exceedingly slight variation in the price of labor. I have been in the smelter business in Denver for the past 18 years, and there has never been but one change in the price of labor during that time. We fixed the price in 1882 and did not change at all until 1893, and then we had some closing of the silver mines, as I stated before, and we did not know what would be done—didn't know whether we would exist at all or not. We then reduced the price of labor 10 per cent. We restored that condition on the 1st of June, after this consolidation took place, and then we had the strike.

Q. Speaking of supply and demand, you stated, I believe, that this combination got better fixed prices for products than would be the case under the old system with individual competitors. If supply and demand acts as a regulator, why speak about that feature? Didn't supply and demand regulate it before?—A. Supply and demand regulated it before; but as an individual company we needed a large credit, and when you are producing a product like lead, for instance, as we did in the company, it meant $5,000 or $6,000 a day, and we could not carry it 30, 60, and 90 days. The corporation with a very large capital can have certain seasons for the marketing of its products. And there are daily operations, especially in lead—the market goes up and down; and the same is true of silver—a slight change in the market price makes a great difference. There are certain periods when silver is active in Asia, and we could not carry it as a company where the speculators were carrying silver to a great extent. In order to reap the benefit of the rise in the price in Asia, as I stated, it might be necessary to carry our products for from 30 to 90 days, and sometimes longer than that, in order to get the benefit of the better market. Now, what is true of silver is also true of lead. We pig lead for the purpose of manufacturing paint, etc., and there are certain periods of the year when there is a great demand for lead products, when the market is better than at other seasons; the price is usually much better at these times than at any other. Now a very strong combination can carry the products over, as in any other business, and make a uniformly fair price on the average the year round. I am sure the combination can accomplish that point.

Q. Then this company would be strangling the law of supply and demand?—A. Well, it would be conclusive. I do not think it would interfere with the supply at all. It would not flood the market. You see the manufacturer who understands his business, when lead falls to 2½, would be in the market and lay in a supply. The price is higher at certain periods than others; sometimes it falls from 3½ to 2½—$20 per ton, and the shrewd manufacturer who is posted knows this, and he is in the market at the right time and with the money to buy; but the small manufacturer can not do this; he can not carry the stock, hence he can not stock up at the low price, and he is often compelled to pay the highest price for it. Now, if the lead were in the hands of strong companies, the price would be uniform, say worth 3½ cents, and the small dealer could figure upon just about what he would have to pay at any time; he would know the amount he could purchase and that he could get it at that price.

Q. It seems to me that it is plain, according to your argument, that you regulate the law of supply and demand, when you control the supply and get a greater price than would otherwise be the case?—A. Well, I believe it is perfectly defensible, this power to regulate the supply and demand. I think with the miners of

the Cœur d'Alenes country, where the greater part of the lead supply of this country is produced, it is a business proposition. These men are all human and want a good price for their products.

Q. It may be justifiable for the men to do it, but is it not a violation of the natural law of supply and demand?—A. Oh, yes.

Q. What have you to say on the overcapitalization feature of the combinations that are being made nowadays?—A. I don't know that it is going to have any damaging effect. I don't think it is. If they are too much overcapitalized they will simply pay no dividends, or pay such little dividends that the stock will have little or no value, and when there is no market for it there will be no overcapitalization.

Q. Are they not trying to induce the public to purchase stock with the idea that it will pay dividends?—A. I don't know of any case wherein they have tried to do that. I know of no special inducement in that direction.

Q. Don't they attempt the sale of any stock in the different markets?—A. Of course they offer stock for sale.

Q. They would hardly offer stock for sale without holding out some inducement for the purchase of it, would they?—A. Well, I don't know of any special inducement they have been holding out in this business. They might be paying dividends on the preferred stock and they might be selling the common stock, but beyond that there has not been any inducement to deceive anybody.

Q. Don't you think it would be for the interest of the people if the State legislature should interfere and prevent the overcapitalization of such concerns?—A. Well, that is a feature to which I have not given much thought. I think perhaps that legislation along that line would not be unwholesome or prejudicial to the general industry of the country; but I really think you can not do anything by legislation to stop speculation. If people choose to invest in stocks, I don't see how there is any way to prevent it. I don't see how the legislature is going to say how and when or in what manner a man shall invest his money. You know people will invest in stocks; get the assurance of their brokers and then go ahead and take their chances. Of course, as to anything in the nature of fraud I think, as you say, some legislation should be enacted to prevent it.

Q. Don't you believe that in a general way there is fraud in these largely over capitalized concerns in which the watered stock is greater than the real amount of capital invested?—A. No; I don't think it is necessarily fraud; I think it depends altogether upon the conditions under which it is put upon the market. Everything in the United States, you might say, is in a growing condition. You invest, we will say, in a water plant or gas plant in a growing city of 100,000 people. You can figure, probably, that the population will double in 10 years' time and that the increased profits of that company will be in proportion. The common stock is generally based on the future possibilities in most of these companies; it is based on the future growth of the business, and a purchaser knows it as well as the seller, so that you can hardly say it is a fraud perpetrated upon the public. Most of these companies build on the basis of preferred stock which they feel sure—or pretty sure—that they can earn good dividends upon. As I stated before, the business will increase from year to year and the buyer has every prospect that his stock will earn dividends for the next 10 years. I don't see why it is not a perfectly legitimate business if the company should issue common stock based on its future possibilities; and it is done to such an extent in the United States—there was never a railroad built in the United States where the common stock in all probability did not practically represent what you would call watered stock, and in very many instances the growth of business of the company has been so great as to earn profits to more than meet the demands of the preferred stock.

Q. Suppose a business which offers a certain profit to the people who are interested at $35,000,000, the real amount of capital invested, has a fictitious capital of $35,000,000, would not such a company or corporation have a very plausible excuse for not giving the people a product at the lowest possible price consistent with a good profit by making public the statement that they were not earning dividends on their capital, which would be stated as being $70,000,000, when half of it was fictitious and was never put in the business at all?—A. Well, the tendency would be, of course, to make the most money they reasonably could out of it.

Q. Would not that also give them an excuse for not giving their employees adequate compensation—telling them that they were not earning dividends on their capital stock?—A. Well, it might and it might not.

Q. (By Representative BELL.) The closing of mines in localities, causes natural and artificial—I want to ask you if the closing down of the smelters did not cause the closing down of a great many mines in the State?—A. Yes.

Q. I want to ask further whether any others outside of those in the so-called trust have closed down?—A. No. There are only two others in the State.

Q. The individual smelters are operating?—A. Yes.

Q. While combination has a tendency to a reasonable degree to lessen the cost of production, might not an institution get so cumbersome that it will really increase the cost of production?—A. Well, yes, possibly it might by poor business management.

Q. Is it not more probable when you get a great institution in the hands of those in interest that it will make much more expense than where it is kept separated in a reasonable degree?—A. Yes.

Q. Now, I want to ask if in your smelter business the employees become, as it were, a part of the business, a part of the institution, and build their little homes in the community surrounding the smelters?—A. Yes.

Q. Under a combination like that, is it not possible, and in fact probable, that the combination might shut down one of the smelters; for instance, say you had a smelter in Pueblo, just as an illustration, might not that smelter be shut down, and thus throw the employees there out of employment?—A. That is possible.

Q. And add to the smelter here and not hurt the combination at all, but at the same time do a great injury to the employees at the other point?—A. That could only be done where we had a much greater capacity to handle ores than the demand called for.

Q. Now, you spoke of the benefits of the combination, which we must all admit in a reasonable degree—that it makes prices stable and enables you to deal more liberally with your employees?—A. That is true.

Q. Now, I want to ask you if wages have ever been kept up in the United States except through the organization of the employees themselves; has there ever been any other power that has ever kept up and maintained a level in the price of labor, except as it has been kept up by this kindred organization of the laborer himself?—A. Yes; the tendency has been to keep up the price of labor.

Q. And the employee is pursuing the same course as that of the employer; that is, he is forming a trust or combination of his own?—A. I look upon it as the same thing.

Q. And his reasons are the same as yours?—A. Precisely.

Q. To increase his earnings?—A. Yes; and to keep out competition.

Q. To increase his earnings and keep out competition?—A. That is about it. Not necessarily to increase his earnings, but to maintain and keep up the price.

Q. I don't mean to intimate that your trust is always begging for more, but is it not the tendency of these organizations of labor to demand more pay and less hours?—A. Well, when labor is well organized it generally demands all that it can get.

Q. There is no difference between the individual and the corporation; each is struggling for benefit?—A. Well, there is the proposition presented by Mr. Ratchford, that the corporation gets privileges that the individual does not.

Q. It is an artificial person made by the State?—A. Yes.

Q. And given privileges?—A. Yes.

Q. And if I go into business over here, individually, and anything goes wrong with the laborer, he puts his finger right on my head and says: "You are responsible and you must correct it." It is generally conceded that the corporation is more difficult to reach. Now, the idea has been suggested by many of the largest combinations in the land that, as this artificial individual is created by the State, the State should regulate it. It has been suggested by some of the representatives of the biggest companies in the world that there should be legislation by the same power that creates this artificial person, providing for the inspection of the same, or something similar to the national-bank inspection, to see that it is not overcapitalized and to see that it does not abuse the power the legislature has given to it. Do you see anything radical in laws of that kind?—A. No.

Q. One of the questions speaks of the hours of labor. You have an 8-hour law?—A. Yes.

Q. You have had no experience with that?—A. No.

Q. You don't know whether there would be any real development in working the mines on the 8-hour shift or not?—A. There is no development.

Q. In other words, is it not contended, not speaking of the pump men or those on like jobs, but of the miners under ground, by many operators that they get as much labor out of 8 hours, as much actual work in the mine, as they get out of 10 hours, where they permit the employee to get dinner on the time of the employer?—A. There is no general objection against it, so far as I know, among the operators. It is about one and the same thing.

Q. Now speaking of the watered stock. Have you ever read of the history and origin of watered stocks as written by the bookmakers?—A. No, sir.

Q. Do you believe that a corporation, created by the State for the benefit of the people, should be allowed to have a fictitious valuation in the way of the so-called watered stock?—A. In other words, should they be entitled to common stock?

Q. Well, you may call it any stock. The writers call it watered stock.—A. I believe they should on this theory: that the common stock of a corporation is similar to the unearned interest on real estate in the city. If you buy a piece of real estate in the suburbs of this city to-day, worth, say, $20,000, you have the money stored, and it does not bring an increment; but say in 25 years or less time than that, and without any effort on the part of the man owning the property, it will increase to fifty or seventy-five or a hundred thousand dollars—many of the great fortunes of the United States have been made in that way without any effort whatever on the part of the man owning the real estate—that is what Henry George terms the unearned increment. The population gradually increases until the suburban real estate gets to be city property, and has greatly increased in value. Where a corporation spends its money in a new community and that community builds up, and people settle there and make a city that would have been beyond the imagination of any one when it first started, all due to this corporation—say you build a railroad from Nebraska, as was done some 30 years ago out here—you have no idea of the increase in the value of real estate and the vast amount of business that comes in; now is not this corporation entitled to the same consideration, the same increase in profits as the real estate owner? The community receives double the advantage that the road receives. I look upon this common-stock case precisely as I do the unearned increment on the real estate in a growing city.

Q. In the purchase of the different smelters was the cost of construction taken as the measure of value in making up the preferred stock?—A. Yes.

Q. Was there anything put in for the good will and reputation of the plants?—A. Limited amount; small amount.

Q. Then your preferred stock largely represents the actual value?—A. Yes; the preferred stock largely represents the actual value of the different institutions, with the amount of cash that we have on hand; but there is very little put in for good name and reputation, experience and skill in the business. I suppose skill in the business would go on just the same; same employees running the business.

Q. It economizes in the way of reducing managers and many fixed expenses, does it?—A. We had so large an outlay that, if not too cumbersome, the natural disposition would be to do that.

Q. Do you recognize that there are many combines that abuse their powers?—A. Yes; I do.

Q. Taking that view, can you not suggest some remedial legislation that would protect the public?—A. Well, it depends upon what the corporation is and to what extent the public is dependent upon that corporation. In this particular business I don't know of any legislation that is needed; in other words, we are conducting the business precisely as we were before; we are paying just as good prices to miners; our strike was caused by a difference in the amount of the advance to be made, and not on the question of cutting labor. Now, I can not see where the consumer expects to be damaged by this corporation.

Q. In the papers it stated that by reason of the shutting down of the Durango smelter—which was in the trust—750 men were thrown out of employment; that is, the men at the smelter and miners. Is it your opinion that if the individual smelter had not gone in the trust it would have shut down at that time?—A. I don't know. You can not tell. As a consolidation naturally we felt stronger than we did as individuals. The smelter corporation or company is not dangerous, but it has to be guarded in its actions. Not having generally a great amount of money we had to be very careful, but this combination, having plenty of money in its treasury, is more powerful.

Q. How many individual smelters in the State are connected with the combination?—A. Seven.

Q. Would it not be the natural tendency, having the power to do so, to shut the smelters down and then settle with your men on better terms than if only one or two were shut down?—A. I think so.

Q. And is not that dangerous to the best interests of the different communities and the different employees?—A. Well, it might or might not be.

Q. But the power could be wielded?—A. It would be entirely owing to the disposition of the combination.

Q. If a combination owning, say, seven smelters in this State, as you say your combination does own, all being under this one great power, could shut one of them down, say, at Leadville, and smelt the ores either here or in Omaha or Durango, would not that make the men very timid about building homes and feeling that they were, in a way, a part of your institution?—A. I guess that is so.

Q. Don't you think it would make them less liable to build homes, and that it would take the confidence out of your men?—A. I think that has been the tendency; yes.

Q. And has it not been the experience of the different writers upon these subjects, and your own observation of all institutions like this, that if they have more capacity than the demand requires they dismantle one of the works here and one there whenever the conditions are not favorable?—A. Yes.

Q. And that they even dismantle the works where the men had built homes upon the theory that it was an institution that would be permanent?—A. Yes.

Q. Don't you think these things are really a dangerous innovation upon our methods and really destroy the home-maker?—A. It does to a certain extent. But I want to say right here that all places are not similarly situated for manufacturing purposes, and we go where the most favorable places are, where we find them to be so by years of experience and work; and the very fact that these separate companies, some of them, were at unfavorable locations, ascertained to be so after years of experience, although I don't care to say where those places are, had a good deal to do with this consolidation.

Q. The fact that some places were unfavorable brought about this consolidation?—A. Yes; that had a good deal to do with it. Some of the companies were altogether out of line with the mines, and it was the knowledge of this fact that had to do with the consolidation. The knowledge of the fact that some places had natural advantages over others made it possible to bring about this consolidation.

Q. Does not the great combination of capital in manufacturing in any line have a tendency to congest the population at certain fixed centers, instead of keeping it distributed throughout the country?—A. I think so; yes.

Q. And does it not have a tendency to destroy the building up of small localities?—A. Yes; the small locality is a good deal like the smelter business under existing conditions.

Q. Under this universal tendency now apparently predominating to create great combinations?—A. Yes.

Q. Will not the natural result be that every necessary of life, I might say every necessary produced in the manufacturing industries, will be represented by one unit, practically—that is to say, the smelting will all be under one head, the refining of sugar will all be under one head, all done in one refinery, or rather by one company?—A. That is undoubtedly the tendency.

Q. Won't that also necessitate every man of brawn and muscle going into a trust; the men who are engaged in working in the smelters will be united, and the men working in the sugar refineries will be united; and won't the tendency be that every line of labor will have to form a trust to protect itself, and that they will have to work together, issue general rules and have laws to govern these different organizations or units—have everything that is material to a new evolution?—A. I think that is so. I am simply a feature of that. I find myself in a business under conditions that necessitate a change, and the combination is the only outlook that I see.

Q. Is not that true with every institution of that kind?—A. I think it is.

Q. Even with the laborer himself?—A. I think so.

Q. Now, something must be done in the way of legislation to govern this new evolution. Have you studied it sufficiently to suggest anything?—A. Not sufficiently to suggest the line of legislation.

Q. I want to ask you about coal mining. You say you never had any experience in the practical part of it; do not know anything particularly about it; but I take it you use a great deal of coal in your business, do you not?—A. The Colorado Fuel and Iron Company has practically the control of the coal mining here. You see the coal mining of the State is practically in the hands of that company.

Q. Is it not your understanding that no individual can operate a coal mine because of the lack of facilities of transporting on the railroads?—A. I don't think it is altogether, although it may enter into it. The large company has its agents out at every point, and they can supply a great variety of coal, and very naturally they distribute the business under these conditions, whereas the single coal man has but a single kind of coal to supply. In our smelting business we use several different varities of coal, and naturally we seek the company that can furnish us every variety we need.

Q. Have you ever known of the fact that the railroads generally, not only in Colorado but in all States, have universally, in recent years, refused to fix a rate that any ordinary individual could handle an ordinary coal product at? Has not that been the tendency?—A. I think the tendency has been that way, but I am not familiar enough with it. I don't like to leave the matter that you stated there, about the trust smelters being closed and the others not—I don't think it is exactly fair to leave it just in that way.

Q. Make any statement you desire to.—A. I want to say that at the three plants owned by the trust, one at Durango and two at Leadville, the wages offered would average over 40 cents per day beyond the rates paid by the individual smelters that are in operation; and the rates that are offered here at the Grant plant in Denver are precisely the same that the men are working for at the Argo smelter right across the river from us.

Q. Then how do you account for the Argo smelter running and yours being shut down? What is the principal cause?—A. The cause of this trouble came up naturally by the 8-hour law. The wages demanded by the men were practically the same for 8 hours as they had been getting for 10 and 12 hours. We met the proposition practically and restored the rates that were paid in 1893, and that was done on the 1st of June and before the law took effect on the 15th. There was naturally a good deal of feeling in every community about the consolidation. I am giving you my individual opinion of the situation. The men at the different plants formed a union, feeling that they might take advantage of this feeling in the community; and also seeing from the representations made in the newspapers that our organization was going to put stock on the market, they thought if no dividends were paid the stock would go to pieces, and they were disposed to take advantage of that situation, and did not expect we would shut down on account of stock that they thought we were going to put on the market. The feeling was that in no instance would the men continue at work for us, but that they would for the individual companies. I think that feeling existed to a large extent and had something to do with the strike. In any event they expected that on the 15th, the day the law was to go into effect, we would rather concede their demands than shut down. We, acting under the advice of attorneys, posted a notice that our contract with the men would be for 8 hours, leaving it optional with the men to work longer if they chose. Of course the men had a great deal of feeling about this 8-hour law, and they felt it was a tendency on our part to violate it. A good deal of feeling was engendered because of this notice on the 1st of June—the feeling that we did not propose to stand by the 8-hour law.

Q. But you left it optional with them?—A. We left it optional with the men to work longer if they chose. We knew that probably many men would want to work longer, unless they got 10 and 12 hour wages for 8 hours' work. To pay them for 8 hours' work what we had been giving for 10 and 12 hours was more of an advance than the business would stand and leave any profits; to do it meant an advance of 33 per cent. You see the 10-hour men wanted the same wages for 8 hours as they had been receiving for 10, and would not deviate from that a particle. Our men have practically stood out, the 10-hour men, for $1.60 for 8 hours' work, and with the advance on June 1 that would have made $1.75 per day. The men are working at the Philadelphia smelter and at the Argo smelter for $1.40 per day at present. Both of these companies pay $1.40 now for 8 hours' work. So you can see what we offered our men was equally as good if not better.

Q. (By Mr. RATCHFORD.) For doing the same class of work?—A. Yes.

Q. Do you know whether these companies had any tentative arrangement for other rates, provided the 8-hour law was held constitutional?—A. Senator Hill had an arrangement with his men that there would be some adjustment of the scale; I don't know what it was, but he would not take any further steps until the matter was settled.

Q. Have you trust smelters also in Omaha or Salt Lake?—A. Yes.

Q. Have you any in Cheyenne?—A. No.

Q. Are you collecting ores now the same as you did when your smelter was running? You are purchasing ore right along?—A. Some.

Q. There was more difference in the price offered for the skilled labor than for the common labor?—A. Wherever the work is the same the prices are the same. The price at the Grant smelter was precisely the same in every particular. Our proposition was that when the law was finally tested these men who wanted to work longer hours could do it then on this higher scale, $3 for $2.50, and so on down the line. You see there are three scales of wages at our plant. These are the wages we paid in 1892 and running to 1893 through the most prosperous period in the history of Colorado, and there never was a word of complaint about these rates. Now we have restored them; we restored them on the 1st of June; they were all perfectly satisfied; and I know just as well I know that I am sitting here that we would never have had a strike had it not been for this 8-hour law, if you come right down to it; but having closed down our works we are having some little trouble in getting back to our original scales and adjustment, but we will get back in time and go ahead with our business; there is no question about that.

Q. Did you ever have any trouble with your employees before?—A. Not of a

serious nature. There has not been a change but once for a period of 20 years that I have employed labor. I should like to make a further statement: At Omaha the wages have been advanced, where there has not been any trouble with the men. The wages were advanced the 1st of June. In Utah there has not been any special change; the 8-hour law is in effect in Utah.

Q. You are working 8 hours there?—A. Yes.

Q. What kind of satisfaction does it give there—I mean the 8-hour law?—A. So far as I know there is no complaint about it.

Q. Everything is satisfactory there?—A. More or less so. I have not been out there yet to go over those plants to see whether they are running entirely satisfactorily.

Q. (By Representative BELL.) You say you are buying ores now; is not that by reason of the fact that with the combination owning smelters in Utah and in Omaha, you can divert the ore from these smelters here without any great loss, and send them to Omaha or Utah?—A. Only a limited amount.

Q. Much of it you can not afford to ship?—A. No. You see, these smelters here were handling about 3,500 tons per day.

Q. How much of that can you divert?——A. Only about 300 or 400 tons per day.

Q. (By Mr. RATCHFORD.) You can then, to the extent of 300 or 400 tons per day, transfer the business from here to the smelters in other States by reason of this trust?—A. It is in our power to do it, but we are not doing it to any great extent. The only place where I think it is done is where certain mines want to ship. It is done to accommodate them.

Q. And if there was no trouble between yourself and the workmen the ore product of these mines would be smelted here?—A. Yes.

Q. (By Mr. KENNEDY.) In these individual smelters that you spoke of were the employees working for less wages than you offered your men?—A. No, not less. I don't think they were.

Q. For the same wages?—A. Of the different scales of wages at all of these smelters the Argo was the highest; the Grant plant, known as the Omaha and Grant, was the next highest, and the advance of 10 per cent added to the scale at our plant, the Grant plant, put the scale on the same basis as the Argo. The others were a little below that. Wages in the mountains, in Durango, for instance, are higher, as it is out of the way and more expensive to live—less population around there from which to draw supplies; and wages have been lower here by 40 or 50 cents per day—even the union labor.

Q. Are the men who are employed in these smelters that are running now members of organized labor?—A. Yes and no. In the Argo, I don't think they are.

Q. They are in some of them?—A. In the Philadelphia they are.

Q. I want to ask you if there is a question of the recognition or nonrecognition of organized labor that is the real difficulty in the way of an amicable adjustment of this strike?—A. No. I don't think it is the real difficulty. I think the only question now is one of wages, and I decline to deal with the men through the representatives of the union.

Q. If you were to recognize these men do you believe you could bring about an amicable adjustment of the strike?—A. No; not in the absence of a satisfactory wage scale.

Q. You would be willing to pay the same scale these independent companies are paying, would you not?—A. I think we will in the long run, but the independent companies have not a permanent scale; they have a temporary scale to tide over the difficulty during the summer months.

Q. You are not opposed to organized labor are you?—A. No; I have no opposition to it unless it threatens my business; never had the question come up during my 20 years in business; men belong to it and dropped out of it several times; I have never had any dispute about the question; it never came up.

Q. Don't you believe the men have such an interest in the business and its prosperity that they would not attempt to injure it for their own sake?—A. The men want the highest wages they can get, and let the corporation take care of itself; I think that is largely the spirit that prevails, so far as the increase or decrease in the earnings is concerned, I think they say that the managers will have to take care of that part of it.

Q. I judge from your testimony on the combination of capital and labor that you believe that the men will get a better share of the profits which they create by belonging to organized labor than by treating as individuals with corporations?—A. I think the tendency in this State has been, in all industries connected with silver, gold, and lead mining, toward continuous employment; there have

been very few changes in very long periods; I don't imagine, if we get to work again, that we will have a labor question arise or any difficulty with labor come up for years, unless some unseen circumstances arise. I have been in the business now for nearly 22 years, 4 years in the mountains and 18 years in the valley. From 1882 to 1893 we ran precisely on the same scale. The wages in 1893 were reduced 10 per cent owing to the fall in silver. Continuous employment, without difficulty of any kind, has, as I say, been the rule. The lessening in the production of ore meant an enormous loss to the smelters for a year or two, so that the rate was reduced 10 per cent, and we have not any smelters that have been making any money for the past 5 or 6 years, yet there has been no change in the price of labor paid in the Omaha and Grant until this advance in the wages of 10 per cent the first of June, which restored the wages that existed in 1892.

Q. Did I understand you to state that you believe that the combination of capital going on in the industrial world makes necessary the combination of labor?—A. I don't think it makes it necessary; I think it is the inevitable tendency.

Q. You believe it will be beneficial to labor, don't you?—A. If they are moderate and wise in their actions, I think it will be; if they recognize the rights of the corporation and the rights of the community, etc., it is; if they operate wisely and judicially and are moderate in their dealings with corporations, I think the organization a good thing.

Q. You believe that if the corporations exercise wisdom and moderation and the employees exercise wisdom and moderation it will bring about a golden period for both labor and capital?—A. I think it will bring about a better state of feeling than exists to-day, a more harmonious state of feeling. It is the failure to do it that results in the antagonistic position they occupy to-day—the failure on the part of the men to recognize the rights of the company.

Q. (By Representative BELL.) You stated, if I remember rightly, that there is some importation of labor in this State; is it generally colored labor?—A. No; that was in the strike at Leadville; they brought in a good many Missourians.

Q. They have not brought in the cheap colored labor of the South?—A. I am not sure. The Colorado Fuel Company did bring up some men at Pueblo. There never has been a strike in the smelters in this State to speak of, and there has not been a smelter shut down in the State until we shut down in June. The Colorado Fuel Company had more or less strikes among the coal miners, etc.

Q. (By Mr. RATCHFORD.) Referring to the statement made as regards the tendency of capital to consolidate, you have stated, I believe, that such tendency was present, and, in reply to the question which Judge Bell put, added that if such should be realized actually one individual would control, for instance, the refining of your smelting of ores and the other industries of that kind. The tendency is that way now?—A. Yes.

Q. Now, if the tendency should be actually realized, there is where we would finally land, isn't it?—A. Yes.

Q. That being the case, every man who has labor to sell would be obliged to deal with that one man?—A. Yes.

Q. That being true, does it not follow that the workman who might be charged with having committed some violation of the rules or discipline of the factory, or who might give offense to his superintendent in any one of one hundred ways which might arise, might find himself out of employment not only there but everywhere that he would turn?—A. That result might come about. It might be possible.

Q. That being true, we will assume that the workman knows nothing else but the refining of oil or the smelting of ore, is it not time that we stopped to consider the result?—A. Yes; I think it is.

Q. He has no other shop, no other factory, no other mill open to him, because he knows nothing about any other trade, and the trade in which he has been employed he finds closed against him.—A. That is an extreme case in a growing country. We have not reached that here.

Q. That is an extreme case, but with the tendency we speak of, that we now fear or anticipate, will it not be worse ultimately everywhere in the whole land?—A. Yes.

Q. Some time previous the admission was made that the laborer under any condition, so far as the wage system prevails, will sell his labor in a competive market. That being true, does it not also follow that as a matter of justice a man should have a competitive market open to him in which to exchange that wage for the necessaries of life?—A. Yes; I think that is so.

Q. If the production of all articles of common use be controlled by combinations and trusts, where is that open competition?—A. Well, there would not be any.

Q. Then it simply means this—and if it is not your understanding, I want you

to correct it—that the laborer is obliged to earn a living in a competitive market in which the cheapest man, all things considered, will always find employment, and that the competitive market, so far as production is concerned, is closed, wherein he may exchange that wage for the necessaries of life for himself and his family, and he must pay a trust price for everything he uses. If that statement is not correct, I would be glad to have you change it.—A. Well, the statement is a little extreme. When a manufacturing establishment or enterprise is well on its feet and well under way, there is no desire to change its labor where it is satisfactory. From 1893 to 1897—I think the laboring men who were employed at our smelter here would be willing to testify that there was no time in that 4 years that we could not have reduced their wages from 25 to 40 per cent and have filled their places at the change of a shift. If it had been merely a matter of competition we would have turned our old men out and taken in new ones, but I don't believe that any manufacturing establishment or management desires to-day to change its labor, and that it will pay a higher price for that labor rather than take the extreme advantage that might be taken in times of excessive competition.

Q. Did I understand you to state that in 1893 your workmen had their wages reduced?—A. Yes.

Q. Did they submit to that reduction without resisting it by striking?—A. Yes.

Q. Does that not of itself indicate that they were willing to share with their employer in the depression?—A. Well, of course I know of that feeling, and they accepted it as inevitable. It was that or nothing. There was nothing else to do. People saw the streets of Denver filled with thousands of persons, traveling from east to west, trying to get employment if they could. There was an enormous surplus of men everywhere throughout this section of the country, and these people could not get work at any price. Railroads reduced their fares and all industrial enterprises of every kind laid off 20, 30, or 40 per cent of their force, and we made the reduction under the peculiar stress of circumstances. We were making no money—in fact we had lost an enormous amount of money through the fall in silver, and we made the reduction very reluctantly. I don't agree with the proposition that labor is forced to get employment entirely on a competitive basis.

Q. Wherein do you differ from that?—A. I differ from that in the belief that there is still a feeling on the part of men who employ labor, manufacturing institutions, that takes into consideration the expenses, cost of living, and figures out the whole proposition—how much they can afford to pay their labor and exist and make what we call a decent profit. There have been many years here, in this period of depression, when we knew absolutely that the men would have submitted to a reduction of 25 or 30 per cent in their wages, and would have accepted it and gone to work, when we were barely holding our business together and paying no dividends.

Q. But at the same time you believe when you pay them a little higher rate of wages you have men employed such as would give you the best possible results or returns for the money paid?—A. Yes.

Q. Then that leaves the proposition good that is made as regards competitive employment?—A. It is.

Q. You take the position, generally, that it is a matter of competition?—A. It might be. The majority of men will employ the cheapest labor.

Q. Now, you spoke about the recognition of the union of your workmen. I understood you to state that you declined to treat with their committees?—A. Yes.

Q. Did you decline to treat with the committees because they were representing a union, or because the action of that union in this respect is not in keeping with a spirit of fairness?—A. That is the way we look at it. We are afraid of the future.

Q. You are afraid of the future?—A. Yes.

Q. Then you are not of the belief that their action at the present merits your refusal to treat with them, but rather the action that you anticipate from them at another time?—A. Well, the action that I anticipate from the knowledge of what has taken place in their councils.

Q. I should like to have you make as full a statement as you would like to make as to why you have taken this stand with reference to treating with organized labor.—A. We have taken the stand and we have talked with the men just as fully as with anyone else and stated to them that their general tendency, and the general tendency of labor organizations—not so much the trade-union people, but the labor organizations in our mining districts here in the West—has been to be very arbitrary. When they get strong enought heir first scheme is to allow no nonunion men to be employed at a place where they are employed. They want

to govern the nonunion men's employment, and when they get in complete power, if there is any foreman that is the least objectionable to them they will make a demand that we displace him, giving certain reasons why he is not the right man, and you must act in conformity, must get another foreman, or they strike. And these are the chief reasons why we have taken the stand we have in this matter—that is, the arbitrary and dictatorial manner in which they undertake to deal with the employees who are not in the union, when they get strong enough. Another immediate incentive to it was, when this 8-hour law was passed, and which was to go into effect here in June, there was an arrangement made to have the federation meet us just before the law went into effect, and unusual efforts made to organize these men. People were sent from Butte, Mont., and they got organizers from Cripplecreek and other parts of the State, and were exceedingly active and powerful; you might say, almost forced the men into the union. A great many of the men employed with us said they did not want to go into the union, and it was made exceedingly disagreeable for them not to go in. Exceedingly violent speeches were made at the convention on the 3d, 4th, and 5th of June, and every employer of labor was denounced as the enemy of the people if he did not see fit to employ only the members of their organization. There was also more or less indignation expressed at the action of the governor of Idaho, because of the position he had taken, and because of all these features in the convention there was a particularly bad feeling stirred up between the employer and employed, and more especially by the violent speeches; so that we decided that we would not deal with the organization, especially under these peculiar circumstances; feeling that it was only a question of time when they would demand the plant, and that we could do nothing with it. Then we had a peculiar experience in this State at Cripplecreek and at Leadville, in the springs of 1894 and 1895. There was a good deal of violence and the entire shutting down of the mines, men killed, shaft-houses blown up, and property destroyed, and threats made against the men. This made me feel that it was to the best interests of the company I represented not to deal with the union.

Q. Have you ever dealt with the union prior to this federation convention; have your men ever been organized?—A. At different times, yes; organized during 1892 and 1893.

Q. They have never had an organization as strong as now?—A. Not always, I imagine. After 1893 there was no organization at all.

Q. But they were organized in 1893, were they?—A. I am not sure as to that. The men said that they were generally satisfied with the wages and never found much interest in the organization.

Q. Speaking of the fear of resorting to extreme methods, if men in 1893, after a period of 5 and 6 years of the most prosperous times your State had ever seen, when mining properties were of more value to the foot than ever before, these same men, when the crash came, were willing to share in the consequences and gladly submit to a reduction in wages without a strike, do you think there is anything to fear in the way of extreme measures from these men, if you still have the same men in your employ?—A. A good many of them are the same; probably the majority.

Q. At the same time you express a desire and willingness to treat with organized labor, provided it is conducted upon conservative lines, recognizes business conditions, and refrains from resorting to extreme measures at any time. You would treat with them at any time under those conditions?—A. Yes; I have no objections.

Q. The effect of organized labor on wages, according to one of your statements, has been very beneficial.—A. I think so.

Q. Has there been a time when the representatives of your company and your workmen have met together, either separately or in company with the representatives of other concerns and the workmen of other concerns, and fixed wages?—A. Yes, sir.

Q. Wages have been agreed upon by the employers and agreed upon or accepted by the workmen; is that the general rule?—A. Well, we established our smelter in 1882, and we started out with the Argo scale of wages. That plant had been running 2 or 3 years, and that has been followed up without any change except in 1893, when the reduction was made of 10 per cent, and the restoration to that in June of this year.

Q. Do you believe in conciliation and mediation between the employer and the employee?—A. Of course.

Q. Do you believe that good results are usually obtained by such conciliation between the organizations of the respective sides?—A. Well, I have had no personal experience.

Q. Is it not a fact that you never will have any personal experience until there is intelligent organization of your workmen; that if you refuse to treat them as organized bodies you can not conciliate or arbitrate with them?—A. We can deal with the men in a conciliatory manner without dealing with the organizations. In different departments of the work, that is what I am undertaking to do now.

Q. Will you carefully explain to the commission how negotiations are carried on between the workmen and the company in such a manner. Is it by dealing with the men individually?—A. Yes. Our men are divided into different departments and work for different wages, and we call these men together in my office, 30 or 40 or 50 of them, as the case may be, and find out what they may have to say about the situation. We ask each man in turn what he may have to say and let him give expression to his thoughts as to the situation. We meet the men in every department in the same way, and after a while we will find out what they want and they will find out what we want and we will make some arrangements.

Q. Do you find that men under such conditions will give free expression of their thoughts?—A. No, not entirely, except where they have agreed beforehand, and have nominated a speaker.

Q. And that speaker will give the views of the body of men in his way of thinking?—A. Oh, of course you could only get the exact views entertained by different men by seeing every man personally, and that we could not do.

Q. Well, I did not mean to insinuate, and won't do so, that you or any member of your firm would punish a man for giving expression of his opinion, even though he differed from you, but I submit that you, in your experience and business, have known men who would punish a man for giving expression to his thoughts; you have known men who would drive him out of their works, have you not?—A. I guess so.

Q. All of this restrains a man from giving expression to his views. It places him in a position in which he will say one thing to his employer, and may say another thing or give free expression to his views at a time and place where and when it is not dangerous to do so.—A. But the one who won't express his opinion now is the one who is in the union. Out of 50 men in that room where we met, there was only 1 man who got up and said he would rather work longer hours if he got more money. There is not a workman in our place who is afraid to talk to me about the 8-hour law or anything else. I would not meet them unless I knew they were perfectly frank and free to express their opinion. The trouble was to get the men who were against the 8-hour law to say anything about it.

Q. (By Mr. KENNEDY.) The evidence is that the union is very powerful?—A. Very powerful.

Q. (By Mr. RATCHFORD.) Do you care to state in a general way the advantages or disadvantages of the shorter workday, in your judgment?—A. It indicates a prosperous condition in the community where you can afford to pay a man only for 8 hours work what money he feels is required to support him and his family, and the business that can do it is undoubtedly a prosperous one. And there is no man who would be more delighted than I would be to know that this country was in such a condition that every workman could make a reasonably fair living by working 8 hours instead of 10 and 12; but the serious question here is how much you can afford to pay for 8 hours' work without crippling the business that is now making this State prosperous—that is, the mining and smelting business, and at the same time make any profit for the people who are putting up the money and doing the smelting and transportation business and so on. Of course it is difficult to say just what the advantages are. No man works except from necessity—that is, very few of them do. I never enjoyed a day of working. A great many people say they never have any happiness except from work, but I never worked except from necessity; never did a lick of work except from necessity and never will; and I look upon work as something to avoid, except as a necessity to support your family and get what you want of the luxuries and necessities of life. I have no use for work except as I am obliged to do it and get what money it will bring. I take it for granted that is what everyone works for, and submits to hardships and disagreeable work because he is obliged to do it to get his living. There are no disadvantages to the 8-hour law except as it may force a higher price for labor, and thereby retard the development of these industries peculiar to this State.

Q. I know you have given consideration to the other side of that proposition. If the hours of labor continue the same this year and next year and for some years to come as they have been from the beginning of the development of the mining industry of your State, say 20 years ago, in view of the improved facilities for production, is it not your opinion that a constant cheapening of prices will result? A greater number of men working the same number of hours per day,

machinery aiding in putting this mineral on the surface and putting it through the proper process for the market—with all this will there not be so much production in excess of the market requirements that it will tend to the constant cheapening of the article, whereas by shortening the days of labor that danger will be avoided, at least to some extent?—A. Yes.

Q. You believe that?—A. Yes; that is what I believe; but that is not like the statement of the man who says he will do the same work in 8 hours that he has been doing in 12. I don't believe he will do that. The same number of hours of labor with the improved machinery tends to produce more and more year by year, no matter in what business, with the improvements that are going on in machinery. There is no question about that.

Q. I was going to put that proposition in another way, more concisely. Is it your opinion that the hours of labor should be reduced to a reasonable point in proportion to the increased production of labor, aided of course by machinery and modern devices?—A. I think if it is not done the tendency will be to have a great deal of surplus labor, and naturally that makes discontent and idleness.

Q. The commission understands that the present trouble between the smelter operators and the operatives is pending the decision of the court?—A. Yes.

Q. If the court holds that the 8-hour workday act is constitutional, do you think the employers will grant the 8-hour workday?—A. Nobody resists it now; the wage is the question. When we posted a notice on the first day of June we specifically notified the men that no man would be employed for more than 8 hours, but that any employee of the company who desired to work longer might do so, but that we would not employ any man for longer than 8 hours, leaving it entirely optional with the men.

Q. That included all of the men working around the smelter?—A. Every man working around the smelter; every single man. The law was universally respected by the corporations, leaving it optional with the men if they chose to work longer.

Q. To work more than 8 hours?—A. Yes.

Q. You still adhere to that position, do you?—A. Yes; we still adhere to that position. I spoke about two plants only as running. The Bimetallic is running now, but only allows the men to work 8 hours; that is at Leadville; it belongs to this corporation.

Q. Then it is a question of wages rather than a question of hours?—A. Entirely so. The question is whether the men will take $3 for 12 hours' work or $2 for 8 hours' work. There is any quantity of men working for $3 for 12 hours. If we were to say a man could only work 8 hours and would only get $2, he would say, "I must have more money than $2 per day; I am not satisfied with that; I will go somewhere else where I can get more money."

Q. Does your smelter run the year round?—A. 365 days for a year. At the Grant plant, from November, 1882, until the 14th day of June, 1899, the fires had never been out in the smelter. Repairs, of course, have been made, closing one furnace or another for a time; but the works as a whole have been running constantly.

Q. After deciding to grant the men the 8 hours, except where they desired to work longer, you wanted the way open to them to work longer?—A. I did not say I wanted it. It would be hurtful to the business not to have it in that way.

Q. I understood you to say it was the decision of the company to accept the law and leave the men to work longer if they wanted to?—A. Yes; that was the position we assumed on the 1st day of June, when we posted a notice 15 days before this law went into effect, to begin on that basis the 1st day of June; and every man worked for the first 14 days in June his original 10 hours or 12 hours; but the men stood together pretty solidly on the basis of 8 hours, and said that they would work for it. It had been brought up by the unions and supported by unions outside of the State, and the law finally went through without much discussion, and of course that was a kind of surprise to the people who didn't know what it really was. Mr. Patterson said he hardly knew such a law had been introduced when it was passed. It was the changed conditions and evolution of things that had brought about the agitation. The men struck and we shut down. If a man says he must live and he can not get it in the 8 hours, and is perfectly willing to work for $3 and 12 hours, he should be allowed to do so. Now, I had that up with the men yesterday; I told them, If you want to make more money, you can work the 10 or 12 hours, and we will pay you so much an hour; that these furnaces will run just so much anyway, and that though you say you will do more work in 8 hours, according to the proportion of time, than in 12, yet there is only so much can be done; the furnaces will hold only so much, and we can not get back anything on that increased work, because there is only so much to be done in the 8 hours, and you can not do any more in that time. To prepare for more work

under the present conditions would involve a large expenditure of money, and would take time to get prepared for more work, but that in time we will have to do it. If the 8-hour law is fixed and a man gets an advance of 30 per cent in his wages he will be expected to do more work.

Q. If the 8-hour law is not upheld, is not declared to be constitutional, will it not be the tendency of labor in all departments throughout the country to work a less number of hours?—A. I think so.

Q. One of the inevitable consequences?—A. I think so; I look upon it in that way.

DENVER, COLO., *July 13, 1899.*

TESTIMONY OF MR. JAMES T. SMITH,

Deputy State Labor Commissioner of Colorado.

The subcommission on mining met at 10 a. m., Representative Bell presiding. James T. Smith, of Denver, Colo., being duly sworn, testified as follows, the topical plan of inquiry on mining being followed:

Q. (By Mr. RATCHFORD.) Please state your full name, address, and business in which you are engaged.—A. James T. Smith, deputy State labor commissioner, 1312 Tremont street; room 27, State Capitol building, is my office.

Q. How long have you served in that position?—A. Since March 6, 1899.

Q. And prior to that time what were you engaged in?—A. Mining.

Q. What kind of mining?—A. Metalliferous ores, leasing and working as a miner in the Leadville district.

Q. That occupation you followed how long?—A. Off and on since 1880.

Q. The knowledge gained while following that occupation will enable you, I presume, to speak for that side in a general sense?—A. I think so; in a measure at least.

Q. Have you had any connection at any time with coal mining?—A. No; never have.

Q. Have you any connection with mining at present?—A. No.

Q. Does the department of labor, with which you are connected, collect reliable data as to the mining conditions of the State?—A. Yes. It publishes a biennial report, supposed to cover everything with reference to mining of all kinds, and agricultural labor and the related subjects. I am making quite an extensive inquiry along these lines at the present time for the purpose of obtaining a full and complete knowledge of the industrial conditions of every character throughout the State. It will be published later on.

Q. You will note that Part I of the plan of inquiry relates to the organization of labor and that side of the labor question, and that Part II covers the capital side of the question, while Part III relates to legislation. I think that, as deputy labor commissioner of your State, you should treat the whole matter as fully as you care to, and the commission will be pleased to have you do so in your own way.—A. I have been connected with labor organizations steadily since 1878, and I have a fair knowledge of the constitutions and regulations of these labor organizations with which I have been identified.

Q. In a general way, the commission would like to have your knowledge of the constitutions of these organizations, and to have you state if they have any particular features that may be of interest, such as beneficial features or any other features that may be advantageous to the workingman or may be injurious to the workingman or to society.—A. The constitutions and regulations of all the labor organizations that I have been identified with or have any knowledge of instill a high regard for law and order and sobriety and everything conducive to the elevation of the individual personally and the advancement and growth of society generally. They aim to create and establish a union for the purpose of aiding each other in times of misfortune, and usually have benefit features, varying according to the amount of dues exacted from each member and according to the needs in that locality, in case of accident or sickness, or any condition whereby the individual is incapacitated from labor.

Q. What can you say of the growth of trade-unionism and labor organizations in this State?—A. The growth of trade-unionism in this State since 1880 has been somewhat checkered. At times it has grown rapidly, and again it has had a backward swing, and then it has gone forward. At the present time, as nearly as I can determine, I should say, at a rough estimate, that about 25 per cent of the

employees in all of the industries in the State of Colorado are enrolled as members of some one of the different labor organizations. That is about the proportion, in my judgment, of the workmen of the State as a whole—the entire State; and certain kinds of employees are organized greatly in excess of that.

Q. (By Representative BELL.) You might take it by fixing the vocations.—A. The coal miners of the State, according to the report of the Coal Mine Inspector for 1898, number 7,425, and nearly that entire number are enrolled as members of organized labor of the coal miners' union. As for those engaged as employees in metalliferous mines, taking the State as a whole, as nearly as I can determine I should say perhaps 70 per cent are members of the union. The railroad employees are practically all identified with the organizations peculiar to their calling.

I am not a constitutional lawyer or any other kind of a lawyer, in fact, but the incorporation of trade-unions and of labor organizations of every description is, in my judgment, highly to be commended. Good, helpful, and beneficial results would, I believe, follow the incorporation of unions. I see no reason why it is not legal, though I don't think I am competent to pass upon that point.

Q. May I ask you, where you are not incorporated, how you hold the property of the organization, for instance the hall, etc., if you know?—A. I am capable of answering that question. Now, an organization with which I am connected in Leadville, which is not incorporated, has property worth some $7,000 or $8,000, and we hold it through trustees for the benefit of the order. We hold it through trustees called a hall committee, appointed by the different organizations represented when we purchased the property.

Q. Are there any incorporated organizations in this State legally incorporated, or are they just ordinary associations?—A. They are entirely so, so far as I know.

Q. Then you have not studied the benefits they might derive from an incorporation, making it a legal person?—A. No; I don't know that. I think that the title of their property might be more secure.

Q. Well, the responsibility of the organization—have there been any legal proceedings against your organization as an organization?—A. No.

Q. No attempt to affect your property in any way by legal process?—A. No. Of course the legally incorporated body acquires certain rights and also certain responsibilities.

Q. But as to whether one is better than the other, you have not had any experience or not enough actual experience to say?—A. In my judgment an incorporated body has many advantages that an unincorporated body has not. The title to property is more secure.

Q. (By Mr. RATCHFORD.) You were simply speaking from your knowledge of industrial affairs when you stated that the incorporation of trade-unions would be advantageous to the workman as a whole?—A. I was, most assuredly.

Q. The next question is No. 4—relations to nonunion labor and the right of liberty of contract.—A. Now, the relation of nonunion labor to union labor is certainly disadvantageous to the latter. At the present time and under existing conditions it don't appear to me that, in the broadest sense, there is any such thing as real liberty of contract. The necessity of the individual compels him to accept such terms as the employer may see fit to impose upon him. And while, in a narrower sense, he is at liberty to refuse to accept these terms, nevertheless his necessities compel him to accept them; therefore he has but little real liberty of contract.

Q. (By Representative BELL.) Is it your idea that the organized portion of labor prevents the unorganized from attempting to contract or from consummating a contract?—A. In all candor I am compelled to say that in many instances it does.

Q. Organized labor limits the power of unorganized labor to contract; that is what you mean?—A. It certainly does under some circumstances. Sometimes organized labor undoubtedly attempts to bring all unorganized labor into the ranks of organized labor, and it desires unquestionably to make the conditions under which unorganized men work so undesirable that it will not be deemed advisable by them to remain in an unorganized condition.

Q. (By Mr. RATCHFORD.) Is it the custom to accept into these unions men who are known to be lawless, or do they seek to elect men of good moral character?—A. Every man is supposed to be a man of good moral character and supposed to be temperate and not addicted to lawlessness and not given to trespassing upon the rights of others. In fact, its membership is supposed to be made up of good citizens, those who are law abiding and law respecting; and those who have the reputation in the community of being given to drunkenness and insobriety and a lack of proper respect and appreciation of the rights of others are debarred from membership. While I don't mean to say that rule is always invariably followed, it is supposed to be.

Q. (By Representative BELL.) It is the general doctrine?—A. Yes; but I don't mean to say that some of this class do not find admission.

Q. You stated previously that, taking the State as a whole, about 25 per cent of the workmen belonged to the unions?—A. That is, approximately. It may be more or less.

Q. In case of these unions being engaged in a strike, where they have about 25 or 30 per cent organized, to what extent does the strike affect the nonunion labor, and to what extent does the union try to govern prices?—A. It usually controls them with a fair degree of resoluteness, owing to the fact that the union has a certain amount of cohesiveness of action which enables it to act unitedly, whereas those upon the outside do not have such a unity of action, and therefore the men who are organized usually determine the policy of those who are not. And those who are on the outside, to a very large extent, are in sympathy with those who are organized; and usually where the strikes occur they occur in localities where a very large proportion of the men are organized.

Q. (By Mr. RATCHFORD.) Take up the next question, No. 5; unskilled labor.—A. Unskilled labor, as a rule, is not so well organized as skilled labor is; a large part of the labor of Colorado that is unorganized consists of unskilled labor. Efforts in the direction of organizing unskilled labor have not met with nearly such great success as the same amount of effort to organize skilled workmen.

Q. How do you account for that?—A. As a rule the standard of intelligence is not as high among the unskilled workmen—among the clodhoppers. I mean, using that word in no disrespectful sense—and therefore do not appreciate the advantages of organization.

Q. Organization and intelligence go hand in hand; is that it?—A. I think so. There is no other way of stating it, perhaps.

Q. We will turn next to the topics of strikes, arbitration, and contract labor.—A. It seems to me that the fundamental cause leading to all strikes is this: That all labor is expended either upon land, directly or indirectly, or upon materials drawn from the land in process of manufacture of the different commodities, and one class of people being enabled to control land and machinery thereby governs or compels, more correctly speaking, another class to become its employees; and the class that controls land and machinery, having an advantage over the class thereby obliged to become its employees, is enabled to give a disproportionate share of the product of labor to the employee, consequently compelling or inducing the employee to all the time be asking for a larger and larger share of the product of his labor; and this being met by a corresponding indisposition upon the part of the employer to give more, the law of supply and demand leads to and is constantly producing a friction between the two classes.

Q. You think the underlying cause of all strikes is the desire on the part of labor to increase wages and the desire of the employer to keep them down?—A. Yes; the desire upon the part of labor to get a larger proportion of the product of his industry and the desire upon the part of capital to give him a smaller proportion of it.

Q. What have you to say as to the economic results of strikes and lockouts to the workers and employers?—A. The economic result of strikes and lockouts to employer and employee and to society at large is to bring more and more strikingly to the attention of all classes the fact that our present social organism is based upon a fundamental injustice, namely, private ownership of land, the control of natural prices; and the economic result from it is to impress the public mind with the necessity of removing the causes of strikes and lockouts by increasing the price of the employee in a manner that will enable him, through the possibility of becoming his own employer, to bring his wages up to pretty nearly, if not quite, the actual value of the product of his industry. Therefore the economic effect of strikes upon society at large is unquestionably good, notwithstanding the fact that for the time being they seem to work great hardship. In short, while strikes are wrong, they are the inevitable result of wrongs which go before them. While fundamentally wrong, the rule is that it is the result of a whole multitude of wrongs that went before it; and if the one did not exist neither would the other.

Q. Before we pass the question of strikes I should like to have you explain a little more fully the economic result of them.—A. It is invariably taken by the communities as a whole, I believe, that if there be friction between the employer and the employee resulting in a strike, and they have a fight to increase the wages, and the employer resists it and the strike is lost to the workmen, the loss to the workmen is figured upon a basis of their daily wages multiplied by the number of days idle. That shows the net loss to the workmen.

Q. Do you believe or not that strikes that are lost to them are an actual loss to the laboring men?—A. No; because society as a whole receives a certain amount

of education with reference to the cause of strikes that ultimately compensates to a very great extent, for the immediate loss for the time being to the employees. That is the reason why it is not a loss in the manner in which it is generally computed.

Q. Yet there is not any rule by which the advantages gained can be measured, except to view it from a particular standpoint?—A. In a general way that is right. There is no manner in which you can compute it except for the time lost and the amount in dollars and cents, but there is an education in economics along these lines that runs through and permeates our social system that is productive of good itself; and, in the second place, there is another advantage that comes from it—it would have an effect that might prevent that difficulty in the future, and if wages become advanced at any time after that, or if there was a probability or possibility of wages being decreased, the employer, recognizing the disastrous effect of a strike, would hesitate seriously before he would precipitate another.

Q. Do you know of any other influence that tends to improve the surroundings of the workmen, shorten the hours of labor, make the condition of labor as congenial as possible, and increase his wages, that operates so favorably in these strikes as the ability of the workman to strike on the one hand and the fear of the strike by the employer?—A. Yes; I think I do. The intelligent use of the elective franchise—the intelligent use of the ballot, it seems to me, is the most important remedy of all to bring about these results, and to bring about a higher civilization.

Q. I am not speaking about the higher civilization so much as I am speaking about the wages and good conditions of employment.—A. Yes; with reference to that, I believe the intelligent use of the ballot will bring around the best results.

Q. Methods of strikes—take up that topic; the manner in which strikes are brought about and conducted, together with the first stages. Do the officers of these unions arbitrarily declare a strike, or do the men themselves, through their representatives, or otherwise?—A. As a rule the grievance or complaint is brought before the organization and discussed; a committee is usually appointed for the purpose of bringing it to the attention of the party complained against. The committee performs its duty and makes its report; the report is discussed pro and con exhaustively, and sometimes the committee is discharged and another committee appointed to see if it can do better, make better terms, or make more satisfactory arrangements, and that committee reports, and usually some considerable time is spent between the time that the complaint is first made and the grievance is first considered and the time that the final determination is arrived at. After the matter has been discussed pro and con and several committees have gone backward and forward and reported the matter, it is finally submitted to a vote of the union or organization and a majority vote determines what the action shall be.

Q. While these negotiations are going on, are the workingmen idle or at work?—A. The work is always in operation during this period, so far as my experience or knowledge goes.

Q. If a strike is declared, by what methods is it conducted?—A. Well, the men are usually cautioned very carefully to abstain from the commission of any act of violence or of any act that will interfere with the rights of anyone else, or with anyone else who thinks best to enter into the employ of the corporation against whom the strike is directed. And there are usually, or at least sometimes, arrangements made for certain weekly benefits to the families of those who are thrown out of work by reason of the strike, and other committees are outstanding for the purpose of trying to persuade any person who sees fit to enter the employ of the corporation against whom the strike is directed, from doing so. But they are always cautioned very carefully to abstain from the commission of any overt act in inducing the person to quit work. And generally, or at least sometimes, committees are appointed for the purpose of waiting upon the strangers coming to town, to explain the situation to them and try and prevent them from working, and looking out for their immediate necessities, providing they are in want.

Q. To prevent them from taking the places?—A. Yes, sir.

Q. Is boycotting frequently the result on the part of the laborers?—A. There was a law enacted in this State several years ago making it a criminal offense; at the same time the black-list law was enacted. It was formerly repealed to a certain extent, and is illegal at the present time.

Q. What methods are usually employed, in case of a strike, by both sides tending to influence favorable results?—A. Well, the employees endeavor in every legal and legitimate way possible to bring production to as absolutely a standstill as possible, and the employers sometimes simply allow production to remain at a standstill until such time as the necessities of the employees will compel them to return to their employment; and upon other occasions they resort to the expedient of importing laborers for the purpose of taking the places of the strikers.

Q. Do the employees sometimes apply to their fellows in other States and other cities to aid them in the strike?—A. Yes; they invariably notify the unions.

Q. Do the employers at any time avail themselves of a common fund for the purpose of gaining the point in issue?—A. I have no positive knowledge upon that point, but I have understood that they do.

Q. Sometimes import labor?—A. Yes; they import labor. But with reference to the common fund I have no positive knowledge. I have understood that such was the case many times, but I have no direct knowledge on that point.

Q. Can you point out any instance when such outside labor has been imported?—A. Yes.

Q. Under contract?—A. Well, it was undoubtedly under contract in the Leadville trouble. Agents were sent back to Missouri and other places for the purpose of hiring employees. At least one man told me personally he went back there for that purpose.

Q. Have you any State laws forbidding it?—A. I am not quite certain upon that point. I don't think we have.

Q. What is your judgment as to the wisdom of enacting such a law?—A. Under existing conditions I would think it desirable.

Q. Do you or not believe that labor imported into your State under the conditions named resulted in any advantage to the State?—A. Judging from the character of the employees that came to the Leadville district under contract—I think they came there under contract—I would certainly think it was very disadvantageous to the people of the State, for the employees who came to the Leadville district from the outside were the worst lot of all-around thugs that ever came in a body to the State of Colorado. They came from Missouri and came there in bodies.

Q. Were they of a criminal class?—A. In my judgment, they were.

Q. At least they indicated that?—A. Yes; and their conduct around town after they came there indicated that. There was scarcely ever a time in late years when there was so much criminality in the Leadville district as in the few months following the importation of what were called the "scabs" from Missouri, and the business of the police court was very largely made up of this class of people.

Q. Did they receive protection from the State?—A. Yes; they did from the militia. There was a home militia company organized for the purpose of protecting them. They would have undoubtedly come under the operation of a law forbidding such importation.

Q. And would not have had the military forces of the State to protect them?—A. Most assuredly not.

Q. Yet coming from Missouri, the effects of the lawlessness were the same as if they had been imported from another country?—A. Absolutely the same so far as the effects were concerned.

Q. Yet the law takes a decidedly opposite position in both cases?—A. Yes.

Q. What have you to say as to conciliation, mediation, and arbitration under state law, by joint committees, temporary or permanent?—A. Strikes, as a matter of fact, are industrial warfare. It is industrial war, and, like any other kind of war, it means the destruction or at least cessation in the production of wealth. When two individuals are unable to agree with reference to their rights they are compelled to take the matter into the courts, and they are compelled to abide by the decision determined upon. Now I see no reason why an employer or employee, both having engaged in something that interests the entire State, ought not to be compelled to submit their differences to an impartially constituted tribunal, and abide by the decision determined upon; therefore I believe in compulsory arbitration under conditions that will compel both parties to abide by the determination arrived at by the properly constituted tribunal or authority.

Q. Will you please state why you believe in compulsory arbitration?—A. The people of the entire State, aside from those directly interested, are affected by a warfare of this character. Therefore they have a right to compel both sides of the controversy to submit it to a tribunal, and to be governed by the result. There is no person who is privileged to do exactly as he wishes. We all have to be mindful of the welfare of society. When each party to a controversy of that character is compelled to submit his differences to this tribunal he is only placed on a parity with two individuals who fail to agree with reference to their rights, when they are compelled to submit their differences to a legally constituted tribunal.

Q. If such a law is on the statutes of your State, a law providing for the compulsory arbitration of every labor dispute and making it obligatory upon each party to accept the result of any award that might be handed down by such authority, would it or would it not give rise to unjust claims and demands from both or by both sides?—A. It might at the beginning; but it is to be sup-

posed that a tribunal constituted in that manner would also be empowered to determine whether the differences were great enough to warrant the State board of arbitration in undertaking to arrange their adjustment.

Q. Whether it was a proper subject for that tribunal or not?—A. And if a large number of frivolous pretenses of that kind were submitted to the State board of arbitration and they turned them down, it would not be but a short time when those differences only that were meritorious and were really worth consideration would be presented for adjustment.

Q. In the last analysis, would it or not, in your judgment, mean the settlement of wages by law?—A. It would.

Q. That is what it would mean?—A. Yes.

Q. From your large experience in trade unions, are you of the opinion that such compulsory arbitration law would be acceptable to the trade unions of your State?—A. I believe that it would.

Q. What have you to say of the injunction in strikes?—A. Under existing conditions it seems to me a very arbitrary stretch of judicial authority.

Q. Are these injunctions frequently resorted to?—A. They sometimes are.

Q. With what effect?—A. Usually with the effect of preventing labor from the exercise of certain rights which it is supposed to possess under the common law, and usually in a manner that is prejudicial to the interests of those who are engaged in the strike, or the strikers.

Q. Do the strikers usually observe the restraining order?—A. Well, I think that they do to a very great extent.

Q. Where it is violated are they punished for it?—A. They undoubtedly are.

Q. Committed to jail?—A. Yes; frequently. There are frequent instances of that, and I don't have to go very far to find one.

Q. I would like to have you enumerate as many as you can and state the punishment inflicted.—A. One of the most flagrant cases of that kind was during the great strike in California several years ago.

Q. We are speaking of your own State. If you wish in a general way to speak about the injunction we would like to have your testimony, but on this point we are speaking of your own State.—A. Well, I have no exact data with reference to the exercise of that power in this State. It was not used in the Leadville district during the great strike there, and I do not know of its exercise. I remember something about its being exercised here in Denver some years ago, and therefore I will not speak positively with reference to it. I have no distinct knowledge of its being used or exercised in this State of late years.

Q. But you can speak of the general principle of it and the effect of it?—A. But in California during the great railroad strike and during the A. R. U. strike there were several men arrested and imprisoned, and their sole offense was violating the injunction of the courts. I have their names at the office, but I have not them here. There were 5, I think.

Q. Were there any other crimes charged to them under which they were convicted?—A. No other crime charged to them under which they were convicted.

Q. We will pass to the next question—wages and methods of payment, weekly and biweekly payment.—A. Biweekly payment, it seems to me more particularly, is the most advantageous manner in which workmen can receive compensation for their labor. Weekly or biweekly payment gives them the advantage of being able to purchase more economically than they otherwise could, and prevents the growth of the credit system, which to a very great extent compels people to pay higher prices for that which they procure and to pay for things they do not get at all.

Q. You believe the semimonthly or weekly payment would be beneficial to the working classes?—A. I do, most assuredly.

Q. Payments in cash?—A. Yes.

Q. As to the method of working the mines of your State, do they usually pay for the time worked?—A. Oftentimes that is the case.

Q. Piecework?—A. Yes. Oftentimes tunnels and drifts are driven by the foot, and sinking is frequently done by the foot.

Q. You refer to miners in the ore mines?—A. Yes. Frequently they are paid by day's pay.

Q. What wages?—A. Two dollars and fifty cents and $3 per day. Sinking and drifting are frequently done at so much per foot, under contract.

Q. Is overtime work paid for where it is performed?—A. It always has been. Of course, there is a law in this State now forbidding it.

Q. What have you to say as to the sliding wage scale?—A. The sliding wage scale, under existing conditions, would seem to me to be eminently fair, because the compensation for labor is paid out of the product; is not paid by any pre-existing fund, but paid out of the product of the labor, and as the price of a

commodity that is represented by a given amount of labor rises it would seem eminently fair that the wages for the labor engaged in this production should rise correspondingly, and when, under certain conditions the price of a commodity depreciates, it is, perhaps, eminently fair that the wages should be diminished correspondingly.

Q. Have you any mining industries in your State where the men are paid on the sliding-scale system?—A. I do not know of any.

Q. Or any other industry?—A. I don't know of any.

Q. As to the minimum wages, what is your opinion on that subject?—A. It is the lowest wage upon which the individual can possibly live and produce.

Q. Do you believe a line should be drawn?—A. No, you can not draw a line; and existing conditions seem to have the effect of pushing the price of labor to the lowest point upon which the individual can live and produce.

Q. You probably do not understand my question. The minimum wage scale undoubtedly means the lowest rate of wages for which a man can live and support himself and those who are dependent upon him, but there are many cases in which a line is drawn, where it is mutually agreed between the employer and employee that wages for certain labor shall not go below a given point under any condition, presuming of course that it is the minimum wage and it will require that wage for men to live upon.—A. Under those conditions of course I should favor that scale. I don't know of any arrangement of that kind in operation in this State.

Q. As to this question—the living wage, standard of living?—A. The living wage at any time will be represented by what the mass of workingmen are willing to live and produce upon. If there is a standard that requires the payment, for instance, of $3 per day, people will live in conformity with that standard, and if but $2, they will have to reduce the comforts of life; they will have to reduce correspondingly; and if but $1.50, they will have to reduce correspondingly. So that the living wage at any given time is the standard of living in conformity with which the men are willing to live and produce, and of course the higher the wage the higher the standard of living. The standard of living is always in conformity with the wages paid. If they receive higher wages they will read more, clothe themselves better, and educate their children better.

Q. And reach a higher civilization in every respect, and presumably become better citizens?—A. Most assuredly.

Q. What have you to say as to store orders and payment in kind?—A. Store orders, so far as this State is concerned, and I presume this is a fair representative of the other States of the union, have had the effect, so far as I know, by information and belief—I have had no direct intercourse with them, or anything to do directly with payments of that kind—have had the effect of compelling the employees to pay a good deal more for their necessaries than they would be compelled to pay for the same things in another place, and have also had the effect of compelling the employees to spend the entire proceeds of their labor at the store owned by the company; and the universal consensus of opinion among those who have had experience with store orders has invariably been that the practice has had the effect of robbing them—not using that term in any disrespectful sense—or despoiling them of a certain amount of their wages.

Q. You speak of compulsion in that connection?—A. It really is compulsion to them.

Q. Are they compelled to deal in company stores because there are no others in that vicinity?—A. No; there is no order issued to them, I take it. With a good many of them there is no order absolutely compelling them to deal there, but they say they will be put in places where they can make no wages if they do not deal there.

Q. (By Representative BELL.) Won't they ultimately be dropped?—A. Yes; ultimately be dropped, perhaps, or not get but a few days' work per month, and they find it necessary to deal at the store in order to be given desirable places in the mines where they can make good wages.

Q. It is claimed by some that the operation of the stores connected with the mines often brings about this result: that an employer will employ men often beyond the number required for the mining of his product, in order to sell an increased amount of merchandise from his store; or that he would rather, to put it plainly, employ 100 men at 3 days per week or 4 days per week than employ 50 men at 5 or 6 days per week.—A. I have heard the statement frequently made that such was the case, particularly in the coal mines of Colorado, in order that the employees might take up the entire amount of their wages in the store orders. I have never worked around coal mines, but I have heard that statement made substantially as you make it by those who have worked there.

Q. Did those statements come to you from reliable parties? Do you believe them?—A. I am inclined to think it is so.

Q. Another phase of it. It is taken, of course, for granted that the employer who runs a store in connection with his works and makes large profits from that store has a decided advantage over his neighbor employer, that he can undersell him and close him out of business. Have you found that to be the case?—A. I think it is undoubtedly true, because he really gets his coal mined for a smaller consideration.

Q. Now, as to mining tenements; are these tenement houses good tenement houses usually—owned by the coal companies or the mining companies?—A. Usually in the coal-mining camps they are very poor, and they usually rent them for from $4 to $6 per month. They are very poor houses, especially through the Lafayette district and Louisville district, and down through the Rockvale district. From $4 to $6, I think, is about what they pay; at least that is what some of them told me. They are not houses really at all; they are cabins.

Q. Coupling these together—the company house and the company store—both in connection with the works, what action is usually taken by the companies when a strike is declared?—A. The company very frequently has to order the tenants to vacate the houses immediately.

Q. Keep the store open for them, do they?—A. Not to extend them credit. No credit is extended any further.

Q. Is it or not, in your opinion, advantageous to the company to have these stores in connection with their works, particularly at a time when a strike is in progress?—A. Well, it most assuredly gives them a great advantage in settling a strike in their favor. It is certainly very much to their advantage.

Q. What have you to say as to fines and penalties?—A. The fines and penalties imposed upon coal miners, you mean, particularly?

Q. Yes.—A. Well, I have been told by coal miners that they are frequently fined when coal is produced under certain given conditions and does not come up to the standard, or when there is a certain amount of rock or waste in it; they are fined to an extent that is disproportionate to the actual loss.

Q. Fined in dollars and cents?—A. Deducted; certain deductions, or docked, as they call it. Of course I never worked in a coal mine; never was in one but once, and have no personal knowledge of them.

Q. Docked in wages?—A. Yes.

Q. What becomes of the material?—A. I have understood it is sold—what is called waste is sold at a reduced price as an inferior class of coal.

Q. The contents of the whole wagon sold at a reduced price, or just the material that is said to be impure?—A. The material that is impure.

Q. The other is sold at the prevailing rate?—A. Yes. The difference arising between the employees and the company over at Baldwin was whether the coal should be handled with shovels or whether it should be forked. Of course if it was forked there would be a large amount of waste that the employees would get paid for if they handled it with a shovel; but as the company claimed what went through the fork was an absolute waste, they declined to allow the employees to use a shovel; claimed that there was a loss of about 7 cents per ton as between forking it and shoveling it. Well, the union came together and offered to make a deduction of 10 cents per ton and retain the privilege of handling it with a shovel, which, of course, was 3 cents more than the company alleged it would lose by having it handled in that manner, but when that proposition was made it was rejected. It would seem to indicate that they didn't want to start up.

Q. The difference in wages in the different States and sections; have you anything to say on that topic?—A. Well, the wages in the mining camps are undoubtedly better than in any other part of the State, and I think the wages paid in Colorado, as a whole, are higher than in the other States of the Union.

Q. Are the wages within you own State, for the same labor, pretty uniform?—A. No; they are not exactly uniform. The wages in the mining industry—coal mining and metalliferous mining—are pretty uniform througout the State, but many other classes of labor is generally paid some better in the mountain towns than in the valley towns. The price of labor of every description, in fact, is a little higher in Leadville than in Denver.

Q. How do you account for that?—A. The cost of living is higher there than here.

Q. Has the organization of the workmen anything to do with it?—A. Yes; it may have something, because, I think, labor is rather better organized, as a whole, in the mountain districts than in the valley towns.

Q. And to that extent wages are higher?—A. Yes.

Q. Is it not a fact that the nearer you get to the mining camps, where the

wages are the highest in the State, the greater common labor and farm labor and every kind of labor—it all has a higher price?—A. Invariably so; yes.

Q. And the farther you get away from the mining camps, the lower the price of farm labor?—A. Yes.

Q. And that the high wages of the miners influence the wages in all other avocations?—A. Yes; most assuredly.

Q. For instance, you take a railroad camp. Is it not most difficult to keep section men on a section near a mining camp? They are paid $1.25 per day and you pay $2 per day in the mining towns for similar labor, for surface work. Are not the section men constantly quitting the railroad and going there in order to get the higher wages? The close proximity of another industry that pays higher wages causes a dropping away from the lower-paid industry and complete depletion of its ranks. Farm labor is about $20 per month, and the nearer you get to the mining camps—Ouray, Telluride, and any of these points—it is $25 and $30, and difficult to get at that.—A. Yes.

Q. They are always looking for employment in the mines?—A. Yes.

Q. The influence of the high wages permeates the other vocations?—A. Yes; it most certainly does.

Q. (By Mr. RATCHFORD.) We will couple the other questions together—21, 22. If you can, go back for a length of time, say 10 or 20 years—so far as you can—and give us the relative rates of wages, and state whether or not the condition of the laborer is improving socially—whether he is getting more intelligent, and living better than he used to do?—A. As to that, I believe that the laborers at the present time—the great mass of the workingmen—are more intelligent than 20 years ago, and I believe that they have a better idea of that which is necessary to be done in order to improve their condition. So far as the standard of living is concerned, and so far as their being able to provide themselves with the necessaries and luxuries of life, I do not think it has improved any in the last 20 years. I do not think that the mass of workingmen are better off than 20 years ago. I don't think they enjoy any more of the necessaries and luxuries of life, and perhaps in many cases not as much; but that they are more intelligent I think is unquestionable. They are giving closer attention to social and economical conditions than they have at any other time, and there has undoubtedly been a great improvement in workingmen in the last 20 years. There is not so much depravity and drunkenness among the workingmen as 20 years ago.

Q. (By Representative BELL.) Would not the case be much different in Colorado than other places, on account of the newness of the country?—A. Yes. Twenty years ago everything was booming; prices were high and wages high. Everybody was busy when I first struck Colorado.

Q. Greater prices for products?—A. Yes; the newer a country is, invariably the better it is for the masses of the people there.

Q. Wages have not improved, but their social condition has during the past 50 years?—A. I think so; that is to say, they are expending the wages they now receive more judiciously. I also think the general standard of intelligence is better.

Q. (By Mr. RATCHFORD.) The standard of intelligence is due to what? Increased prices or what?—A. It is due to the fact that their necessities force them to study the causes which constantly seem to be depreciating their earning capacity; to make a study of the economic conditions.

Q. The increased facilities of your State, as compared with 20 years ago, have done much to bring about that feeling and result?—A. Yes; undoubtedly it has.

Q. We will take the next question—increase or decrease of number employed. Of course there is a large increase in your State?—A. As between now and 20 years ago, yes. There is a very large increase in the number employed in this State, because there has been a great unfoldment of industry in every respect as compared with 20 years ago. The number of unemployed here is vastly greater in proportion than 20 years ago. In fact, there were no unemployed then. There is now a very large number of unemployed in every camp, hamlet, and town in the State; just at this particular time, I should say there was. And even prior to this recent difficulty, there was a large number of unemployed in all of the mining camps of the State.

Q. Permanently unemployed or temporarily?—A. There probably is but very few of them, if any, that are not employed a part of the time throughout the year, and I believe it to be reasonable to say that the average number of unemployed throughout the State, as a whole, is probably 25 per cent of the number of people, but of course it does not represent the same individuals. I do not mean to say that a certain 25 per cent of the people are not employed at all during the year, but a number of them are employed at one time and a number at another.

Q. That is to say, in effect, all of them are idle one-fourth of the time; is that it?—A. Yes; that is it, approximately.

Q. What do you say as to the employment of children?—A. There is a law in this State which compels the attendance of children upon schools at least fourteen weeks in the year. The effect of the employment of children, no doubt, at the present time, with the advanced use of machinery, is very hurtful. In some cases a boy of 12 or 14 can run a machine just as well as a grown man can, and he throws the man out of employment; and at the same time it prevents the boy from getting the education that should come to him at that age.

Q. You have a law, you say, which will compel the attendance of children at school at least 14 weeks in the year?—A. Yes.

Q. Have you any law limiting the age at which children shall be employed in the mines, factories, or mills of your State?—A. Yes; I think so. I think it is 16 years; maybe it is 14; I am not quite clear on that point.

Q. Causes of irregularity of employment.—A. Well, there are quite a number of causes that could be mentioned in that respect. Of course the particular cause of the irregularity of employment is the fact that the wages they receive do not enable them to buy back more than a small portion of their product; that is, labor being employed for 5 or 6 months in the year will produce enough to supply the market for the entire year, while the compensation they receive will only enable them to purchase back a small part of it. Secondly, there is a large amount of product that there is no market for, because there is no accumulation in the hands of the employees to enable them to purchase it.

Q. Hours of labor—Sunday labor.—A. Sunday labor, in my judgment, is hurtful and bad, for the reason that where workingmen make a practice of working 7 days in the week they will get no more compensation for it after a little than they will if they only work 6.

Q. (By Representative BELL.) Don't they break down in a short time?—A. Yes; and they will get no more compensation than if they work only 6. It is hurtful to them so far as their health is concerned. By working every day in the week they break down earlier than they otherwise would.

Q. (By Mr. RATCHFORD.) As to the hours of labor in your State.—A. Well, the hours of labor in the past have always been from 10 to 12. Mining labor has usually been 10 hours, except that in wide shafts and places where the ore is very hard to crush it has sometimes been 8. Labor in the smelters has invariably been 10 and 12 hours.

Q. Has been that in the past?—A. Yes.

Q. What is it at present?—A. Of course the last legislature enacted what is known as the 8-hour law, making a day's labor in the mines and smelters and reduction works and everything of that character 8 hours.

Q. Is it confined to the mines and smelters, or does it include public works generally?—A. There was an old law that has been on the statute books for a number of years that prohibited any contractor upon public works from employing labor for more than 8 hours per day, and compelled the municipalities to work their employees only 8 hours per day; but this new law simply related to the employees of mines, smelters, mills, reduction works, etc.

Q. Is that law generally complied with?—A. It went into effect the 15th of June.

Q. Has it been complied with?—A. I think it has been generally complied with so far as the mines are concerned and the smelters of the State—two that are in operation; the most of them are closed down.

Q. Are they closed down because of the passage of that law, in your opinion?—A. Yes; they undoubtedly are.

Q. The employers are resisting it?—A. They are contesting its constitutionality, and the workingmen, of course, are trying to sustain it.

Q. Do you or not believe that the full observance of that law would result in advantage to all?—A. I most assuredly do, because it would give the mass of men more recreation, more time for study, more time to rest, and it would give them a larger number of hours per day free from the deleterious, nauseous, and poisonous gases and foul air that surround them while employed in the mines and smelters.

Q. A decision on that law is expected soon, is it?—A. It is; yes.

Q. Well, without asking you to speculate or give an opinion as to what that decision may be, I should like to ask you, in a general way, whether, in your opinion, the shorter workday will become general—if not by law, by the operation of the unions and by the support of public opinion?—A. The advance of labor-saving machinery, of course, makes it possible to produce a given amount of wealth, and with a much smaller expenditure of labor than formerly. The result of that is

undoubtedly to impress the public mind with the fact that a smaller and still smaller number of hours is necessary in order to give the producing classes a part of the advantage accruing from the advance in such labor-saving devices and methods, and the consensus of public opinion has undoubtedly become more and more favorable to the reduction of hours of labor; and there is no doubt of the fact that whether the decision is favorable or unfavorable there will be gradually a reduction in the hours of labor. But a favorable decision along these lines will hasten it along.

Q. Have you State laws as to screens, company stores, etc.?—A. I don't think we have.

Q. Then we will take up Part V—cooperation.—A. Well, we have had something in the line of copartnership or cooperation here in Colorado. There have been several cooperative stores organized at different times, and one or two cooperative colonies. There is a cooperative colony operating down at Pinon at the present time. It has met with—well, fair success—not perfect success; but the results obtained there are reasonably good. And there is also, or was, a cooperative store at Olathe, in Montrose County. What its present status is or how it is getting along I don't know.

Q. (By Representative BELL.) Are you familiar with the cattle business at all?—A. Well, I don't know that I am.

Q. Are you aware of the fact that practically all of the cattle industry is run under a complete cooperative system?—A. So far as the runs are made, do you mean?

Q. The branding and marketing of cattle.—A. I don't know that I am aware of that.

Q. Take, for instance, a cattle district 100 miles square, and every cowboy in the country will have the brand of every other cattleman in the association. If he finds the cattle of B 100 miles away, he brands B's calves. If A finds one of B's cattle 50 miles from his ranch and is coming back, he drives it back to the ranch; and that practice in all parts of the country is complete. The cattle business is run under a complete system of cooperation so far as branding cattle on the range, gathering, etc., and is probably the most complete cooperation in the West.—A. Yes; I think there is some arrangement of that kind in almost every part of the State; that there is an association and rules along those lines governing it.

Q. While they have no common ownership, they have a cooperative system?—A. Yes.

Q. Is that very beneficial?—A. Yes; I believe there is something of that kind. I never had anything to do very directly in the cattle business; never rode the range or anything of that kind.

Q. (By Mr. RATCHFORD.) As to other plans for improving the condition of workingmen, etc.—A. Well, as our society is constituted at the present time it seems to me eminently just and fair and proper that after a man has contributed to production throughout his entire life, and the wealth that his labor has produced is part and parcel of the State, it is proper that he be given back a proportion of it in the shape of an old-age pension when he becomes incapacitated from future production and labor, and therefore I believe most positively in the pensioning of producers who have become incapacitated from further production or labor.

Q. You have no system of that kind in Colorado, have you?—A. No, nor anything which approximates it.

Q. We will take up the question of immigration, on page 6. You can glance over that and treat it in your own way.—A. The effect of immigration under existing conditions is undoubtedly to depreciate the price of labor by making or causing in every part of the country an excess of employees—more employees at any given time than there is employment for. And therefore, under our existing social system, immigration has the effect of diminishing the price of labor. It is undoubtedly hurtful to the great mass of workingmen now in the country.

Q. Have you any suggestions to make as to its regulation?—A. Well, I don't care to advance an inferior remedy when a proper remedy can be presented. If 20,000,000 people come into this country to-morrow, and if every person could become a producer, it would undoubtedly add to and enhance the national wealth. At the present time it would undoubtedly be advisable to restrict immigration to those who come into the country bringing a small amount of wealth and being able to read and write the English language.

Q. What do you say of colored labor and non-English-speaking labor?—A. There is none in Colorado to amount to anything.

Q. (By Representative BELL.) Haven't they imported some 2,000 into Pueblo—colored labor?—A. Yes; this was at the Colorado Iron Works. I had forgotten that for the time being. But that is right; it is so. So far as I know, that is the only case where any amount of colored labor exists in this State, or where any man has been brought here for the purpose of taking the place of white labor; and in so far as that has been tried in this State—in that instance it has been hurtful to the white labor of Colorado. But there is quite a non-English-speaking population in Colorado. There are a good many Swedes, but they are not non-English-speaking, exactly; the most of them are now English-speaking.

Q. How about the Italians?—A. They are a class by themselves. As a rule they are very clannish and don't take up with the American customs. They don't learn the language to any extent, but the most of them can talk it a little bit in the Leadville district. I am more acquainted with them there than anywhere else. As a rule they work around the smelters, but they are not a desirable class of citizens.

Q. (By Mr. RATCHFORD.) Do you regard that class of labor as being hurtful to the best interests of your State?—A. It certainly is.

Q. 37, 38, and 40 can be treated collectively, as they all relate to sufficient school facilities.—A. The public-school facilities in most of the towns of Colorado are not only equal to the best, but confer upon the sons and daughters of the workingmen that kind of education that will be most conducive to their success in after life. Manual-training schools have been established in but very few places throughout Colorado. There are 1 or 2 in Denver, but I don't know of any others in the State. At the present time it would seem eminently desirable that a system of manual-training schools should be established in connection with the public schools throughout the State, and there would thereby be imparted a knowledge of handicraft that is sadly lacking under our present system of education, and that would enable the pupil upon graduating from the public school to earn a livelihood along lines of action that at the present time they are entirely ignorant with reference to, and therefore manual-training schools are necessarily important, and it would seem to me eminently desirable to bring about the enactment of legislation that would establish one in connection with each public school.

Q. Have you anything to say as to libraries, reading rooms, etc., for the benefit of those who are engaged in manual labor during the day?—A. In every State and city there should be city libraries, free reading rooms, city reading rooms, lyceums, and everything of that kind maintained and supported by the State or city for the purpose of giving education and training to those who are unable to avail themselves of the advantages in these lines.

Q. You have no such schools supported by the State?—A. No.

Q. As to convict labor.—A. That is quite an important item. Convict labor is a subject that has engaged the attention of organized labor in this State ever since I have been in Colorado, and it is a vexed question. It is a little difficult to determine what disposition had best be made of it. But I think the general concensus of opinion in this State is in favor of the employment of convict labor; in favor of the employment of it upon public works—State works, and in a manner that won't permit its product to come into competition with the product of free labor, and that will distribute the product of the handicraft of convict labor throughout the different State institutions; and in work upon such public works as otherwise would not be carried forward at all. And the general sentiment, in my judgment, is absolutely opposed to the contracting or farming out of convict labor in connection with complicated machinery.

Q. What are they employed at now?—A. A part of them are employed upon the State road near Canon City and a part of them employed at various avocations around the penitentiary, in boiler shops, blacksmith shops, and different places for the purpose of manufacturing those articles which will not be sold in the general market at all, but used by the convicts themselves for the purpose of getting stone in the stone quarry, and for the purpose of putting in buildings in connection with the penitentiary. In fact, there is none of the labor used in such a manner as to compete with the employment of other labor.

Q. Not leased?—A. No.

Q. None of them employed in the mines?—A. Not one.

Q. Have you any further suggestions for the improvement of this system?—A. I don't know that I have. We have a law in this State upon that subject that makes it pretty fair. It makes it necessary for the warden to employ the convicts in such a manner as not to compete with other labor.

Q. You believe that is a very satisfactory solution of it?—A. I do.

Q. (By Representative BELL.) For instance, if there was a possibility of building a State irrigation canal, but capital would not go into it because of the small

possibility of profit, and such a canal would enable numerous persons to build homes and irrigate lands, would you call that a fit object upon which to employ convict labor?—A. Yes; and even if it was a vocation that capital would engage in, if the State could employ that labor profitably in a manner that would be conducive to the interests of the people of the whole State, the employment of convict labor along those lines would be in keeping with my views upon that subject. But I should certainly be opposed to the contracting of or farming out of that labor in any manner that would enable its products to come into competition with the product of honest labor.

(After a recess the examination of Mr. Smith was resumed as follows:)

Q. (By Mr. KENNEDY.) Have you ever heard of nonunion men having such fear of union men that they would not freely express opinions to nonunion employers?—A. No; I think not.

Q. Do you believe that the nonunion men of Colorado are terrorized by a fear of the union men?—A. I don't think so. I think they would express themselves freely to nonunion employers. All the employers are nonunion, in fact.

Q. Does or does not the union have the effect of holding up the wages of that labor which bears none of the burdens and responsibility of organization?—A. It certainly does help to stimulate the price of all labor.

Q. You, think, then nonunion men profit by labor organization, though taking no part in it?—A. They most assuredly do.

Q. Have you anything to say with regard to that?—A. All that I have to say in regard to that is this, that it is rather contemptible upon the part of employees to refuse to participate in the organization while at the same time deriving a certain amount of benefit from the organization.

Q. You spoke this morning of unskilled labor. I should like to ask you if there is, properly speaking, any such thing as unskilled labor.—A. What I understood, when I spoke of unskilled labor, was that character of labor that does not require experience in order to perform it with a degree of efficiency that will enable it to give the satisfaction desired by the employer; for instance, pushing a wheelbarrow.

Q. Is not a certain degree of skill required in the commonest kind of labor to render satisfaction?—A. Not in the sense in which the terms skilled and unskilled are used. It requires a certain amount of strength to push a wheelbarrow, and it requires a certain amount of skill to manage a furnace so that it will not burn out.

Q. Is the distinction between skilled and unskilled labor determined by the fact that it is necessary to learn a trade or not learn a trade?—A. Not necessarily to learn a trade; but skilled laborers are those who have had a sufficient experience in the character of work in order to do it efficiently.

Q. After laborers have been working on the street for a time, would you call that skilled labor? What is your opinion on such work as that?—A. Yes; it would undoubtedly require a certain amount of experience to perform the work to a better advantage than a new beginner.

Q. You stated this morning that you favored a system of compulsory arbitration which would practically have the effect of fixing wages by law?—A. Yes.

Q. Do you believe that the organized workers of Colorado are in favor of such a system as that?—A. In my judgment they are; that is, en masse—as a whole.

Q. You did say this morning that you believed your wage in Colorado was a little higher than in the other States of the Union, but you did not specify. Could you say something about wages in the mines of Colorado, as to what they are?—A. Yes; the wages here run from $2.50 to $3, and in some cases, where the men work under particularly disagreeable conditions, they receive $3.50. You might say from $2.50 to $3.50, although there is a comparatively small portion of the employees that get $3.50, except in the wet mines and places of that kind.

Q. What do you mean by wet mines?—A. Water dripping down on them.

Q. Does that mean coal mines?—A. I don't know. I am speaking of metalliferous mines. The coal miners usually work by the ton.

Q. Do you know anything about their earnings?—A. I have heard various statements in reference to them, but have no direct knowledge of them. I might have knowledge based upon what some of them told me, if that is permissible.

Q. (By Mr. RATCHFORD.) As to the official reports of the State; as to your knowledge derived from the reports?—A. I don't know about that. I talked with some of them as to the rate of wages. I don't think the rate of wages is included in the report of the mining inspector. At all events, several of them told me that during the last 6 months, since January, that they were only able to work 5, 6, or 7 days in the month, and that their wages some months had been down as low as $20; and one man told me that for several months he had had only 5 or 6 days' work per month; he told me that when they worked steadily sometimes they made as high as $80 or $90 per month.

Q. (By Mr. KENNEDY.) Speaking about the 8-hour law; is that law modeled after the Utah law, that has been declared constitutional?—A. It is an absolute copy of it.

Q. I should like to ask you if you believe the organized labor of Colorado is in favor of further restriction of immigration?—A. I am inclined to think that it is.

Q. And if the commission made a recommendation looking toward further restriction of immigration it would be apt to have the moral support of Colorado?—A. I think so.

Q. (By Mr. RATCHFORD.) Take up the second part on page 7, with reference to the comparative earnings of investments in mining as compared with banking, real estate, railroads, etc.—A. Well, so far as I know, I have reason to believe the profits accruing from investment in mining will compare very favorably with investments in other lines of industry. In fact, I am inclined to think that as a whole the profits accruing to those having investments in mining are greater than those having investments in the other industries mentioned.

I know of no restrictive legislation on the capital employed in mining that has been enacted in these Western States, Colorado in particular, that has done the industry any injustice or that has prevented it from its legitimate and just returns. All of the laws in the State of Colorado, so far as I know or believe, that have been enacted in reference to mining, in reference to securing better sanitary conditions around the mines, etc., have been brought about for the sole purpose of protecting the health of the employees and for the purpose of preventing accidents and for the purpose of making the conditions generally for both employer and employee better than they would be in the absence of such legislation or in the absence of such restrictions.

Q. Taxation.—A. The taxation upon mining property in this State is upon the net output and upon nothing else.

Q. There is no taxation for buildings, improvements, etc.?—A. Not so far as the net output is concerned. There is a tax upon the buildings and machinery, but so far as the mine itself is concerned there is no taxation upon anything except the output.

Q. (By Representative BELL.) Is it not a fact that the mine is taxed for the Government price—not taking the value of the mine but the value of the land at about the Government price—about $1.25 per acre?—A. I do not know as to that.

Q. There is a nominal tax upon the ground.—A. Perhaps there is, but I don't know for certain. But the mine itself is taxed in so far as the product is concerned.

Q. That is, the value of it beyond the Government price paid to the land board?—A. Yes; the value of the output. As to any suggestions I would make for the modification of the tax methods, State and local, it would seem to me a proper thing to impose taxes upon mines proportionate to the royalty obtained from the mine under lease; in other words, something like the amount over and above the cost of operation and over and above the return upon the investment in the mine would be the amount that ought to accrue to the State. That is taxation along the lines of the single tax, in fact, the proportion to the State of the unearned increment.

Q. How would that operate in cases where there has never been a royalty; where it has been a failure?—A. There would be no tax.

Q. And nothing to pay for bearing the burdens?—A. Well, if it became productive there would be a certain allowance made for the expenses incurred prior to that time.

Q. But if it never became productive?—A. Well, if it never became productive then of course there would be no tax.

Q. And any one who put their money into it should stand the loss?—A. Well, the taxation along those lines would never come up to the unearned increment, and under the existing conditions the losses are usually sustained by the lessees anyway.

Q. (By Mr. RATCHFORD.) If a company should invest their money in a plant in which mineral would not be developed in paying quantities they would lose the money that they put into it; they would have to bear this loss themselves, would they not?—A. They would.

Q. Take up 49; discriminations in freight rates.—A. There has been here in this State a great deal of discrimination in freight rates, and the effect which it has had upon the earning capacity of labor has unquestionably been hurtful, inasmuch as it is discrimination against certain towns and against certain industries and in favor of others. The general effect of it has been to give some advantage to some and place others to a corresponding disadvantage as compared with this discrimination; the effect has been very disastrous upon many of the industries such as have been especially discriminated against.

Q. Would you care to point out any instances in which discrimination has been practiced as between individual producers themselves by the railroads?—A. Yes, that has come to my knowledge by information; not by absolute knowledge, because I never looked it up. Several dealers in Leadville informed me personally that goods have been shipped from California to Denver at a lower price than to Leadville. One dealer told me carload lots were shipped to Denver at $14 per car less than to Leadville.

Q. While Leadville is the shortest haul?—A. Yes, by considerable.

Q. Have you ever known of discriminations as between producers of minerals on the part of transportation companies?—A. Yes; I have heard it frequently along these lines. I have heard from dealers in the Leadville district that they were discriminated against as compared with shipments from Montana and Utah and other points; that they were charged more for shipping a short distance than the others would pay for shipping distances several times as great. I have heard frequent complaints along those lines.

Q. Have you any knowledge of special rates being given to producers within the same distance and to the same market points?—A. I have no positive knowledge, but I have frequently heard the statement made.

Q. (By Mr. KENNEDY.) Have you heard that the smelter trust enjoys any advantages over the independent smelters in that respect?—A. I have heard that statement made frequently.

Q. (By Mr. RATCHFORD.) The closing of mines; No. 5.—A. The closing of mines is frequently induced by different causes. In 1893, when the great slump in silver came, almost every mine in the entire State was closed for the time being, and some of them never opened; but at the present time, with the increased facilities for production and various other causes, most of them have gotten upon the list of producers again. Of course mines are sometimes closed because there is the hope in the minds of the owners that after a time the product will be more valuable than at the present time, and also upon the ground of labor troubles.

Q. Have you any large combinations of capital engaged in mining coal or ore in your State?—A. Yes; the Colorado Fuel and Iron Company.

Q. Are any of these smaller affairs closed down by reason of forced competition with this combination?—A. I think there is no doubt but what it is deemed advantageous by such combination or trust, or by whatever name it may be designated, to close certain mines at certain times on account of the inability to market the product, or because it is more advantageous to work some other mine in the same consolidation at that particular time. I think there is no doubt but what coal mines are frequently closed down for a short time upon that account.

Q. You are speaking of the mines owned by the trust or corporation?—A. Yes.

Q. How about the mines owned by individuals outside of the combination; do they find themselves unable to operate their plants because of the existence of this combination?—A. They undoubtedly do at times find themselves unable to operate their plants on account of the superior advantages obtained by those on the inside, getting better freight rates, and also through the operations of company stores, which enable them to mine their product more cheaply.

Q. The next topic is 51; concentration and consolidation.—A. Of course the tendency of the industrial conditions at the present time is in the direction of concentration, because it enables the proprietors to control the price of the product and to cheapen its production; in other words, to increase the profits of the investor at both ends by advancing the price and cheapening the cost of production. This has the general effect upon wages and employment of decreasing the price of wages, and tends to make the conditions under which employees obtain employment more difficult; and so far as smaller enterprises are concerned, it has a tendency to eliminate them; in fact, its purpose is to destroy competition and eliminate the earnings of smaller enterprises from competition. The effect of concentration on production is undoubtedly to have such a complete control over production as to enable the promoters to only produce that which they can profitably find a market for.

Q. Take up 52; the legal regulation of trusts, etc.—A. It would seem to me that it is undoubtedly within the province of the State to control trusts and control any and all forms of monopoly as soon as it becomes evident that they are destructive of the best interests of the people of the State, and if it be the consensus of opinion that trusts are destructive to the public interests, such rigid anti-trust laws as would best prevent the growth of these corporations should be enacted at the earliest possible moment.

The inducement to invest is undoubtedly the increased profits and to secure absolute control of production, and the result I think is to crush out competition and to adopt such rules and regulations and methods as will most effectively enable the promoters to enhance their profits. While I don't know anything about

their internal regulations, I suppose they are of such a character as to enable their officers to enforce the rules and regulations they may see fit to adopt.

Q. Take up 54; present labor-saving machinery.—A. The effect of the advance of labor-saving machinery ought to be to decrease the hours of labor and to decrease the prices of commodities.

Q. What effect would it have on wages to decrease the hours of labor?—A. Increase the price of labor.

Q. Have you anything further to say on machinery?—A. The real effect of machinery, however, is to throw employees out of employment and force them into the market in competition with their fellow-workmen to obtain employment and to destroy the handicraft and the mechanical skill that characterizes the individual and make the individual much more dependent upon others and upon the existing social system than he was prior to the introduction of machinery to the important place it has taken in modern production.

Q. Is it your opinion, then, that machinery displaces labor?—A. It most certainly displaces labor.

Q. Temporarily or permanently?—A. It does it temporarily, and in most cases permanently, and makes the employee more dependent than he was prior to its introduction.

Q. Turn to the last part, with reference to remedial legislation, and glance over that. We should like to have your opinion on remedial legislation.—A. Well, I am of the opinion that there ought to be a very rigid employers' liability law enacted in this State.

Q. Have you any such law now on the subject?—A. We have, but it is very ineffective. We have an employers' liability law, but it does not make the employer liable for an injury incurred through the negligence of a coemployee.

Q. What have you to say as to sanitary and personal-safety laws?—A. As to sanitary and personal safety laws, I think around the most of the mines they are very good, so far as I know. And the mine-inspection laws provide many safeguards for the protection of the employees. I am not conversant with the check-weighman laws around coal mines.

Q. As to the laws regulating the employment of children.—A. I think the law upon that subject is quite stringent, and I do not know as any new legislation would be necessary. The school law in this State is compulsory for at least 14 weeks in the year, although I don't know of any officer who is intrusted with its enforcement; I don't think there is any, consequently it is not enforced as well as it should be. A law was passed by the last legislature known as the antiscrip law, which means to prevent companies from payment of any part of their obligations in scrip, and compels payment in legal tender. The laws in reference to arbitration in this State are very ineffective. They almost might as well not exist at all, except in so far as the action of the board of arbitration influences public sentiment. In my opinion there ought to be a rigid compulsory arbitration law enacted, authorizing the State board of arbitration to take cognizance of all difficulties arising between employer and employee where 10 or more men are affected, with or without the concurrence of both sides of the controversy; take all the evidence and get all the facts that will enable them to arrive at a determination, and to enforce the conclusion arrived at.

Q. If that would operate well in your State there is no reason why it should not operate well in every other State?—A. I don't see as there is.

Q. That being true, you think the adoption of that policy in each of the States would virtually be a solution of the labor difficulty; it would settle the labor question?—A Yes.

Q. You have already stated, or admitted rather, that differences between employer and employee fixed in that manner would be tantamount to fixing wages by law?—A. Yes.

Q. And you express the belief that the organized workingmen in your State would approve of it?—A. That is my opinion.

Q. Sixty-eight; convict-labor law.—A. The law of the State of Colorado is very satisfactory upon the point of convict labor.

Q. Sixty-nine; uniformity of mining legislation, etc.—A. I think it would be advisable to secure uniformity of mining legislation in the several States, so far as it can be done.

Q. Seventy; suggestions for remedial legislation.—A. I think the compulsory arbitration law that we have just referred to would go farther than all other remedies that could be suggested combined; because it will place disputes of that character really upon a par with any and every character of disputes between individuals who go to make up society. It will prevent them from fighting it out and compel them to submit it to a fairly constituted tribunal.

Q. (By Mr. KENNEDY.) You stated that you had employers' liability laws, but that they were not effective because they did not make the proprietors liable for the negligence of fellow-servants. It seems to me, then, that you have no laws in this State—that you have no statute law.—A. Yes, we have a law of that kind. I was looking the matter up 2 or 3 weeks ago. We have an employers' liability law, but it does not have any effect upon the negligence of a fellow-servant. The individual becomes responsible when he enters the employ of the company. I know there have been several measures introduced for the purpose of making the employer responsible, but they have not succeeded.

Q. Then there is no improvement over the common-law practice in regard to that?—A. There may be one or two other points which I have not enumerated. At all events it does not do that.

Q. Has the organized labor of Colorado attempted to secure legislation making the proprietors liable for the negligence of fellow-servants in case of accident?—A. There have been measures introduced in the legislature two or three times, but without any effect.

Q. You have not been influential enough to secure a law of that kind?—A. It might have been done last winter, but there were so many other things that it did not get through.

Q. (By Mr. RATCHFORD.) Under that law, does it not practically exempt the employer from liabilities in all cases where two or more persons are employed or working together?—A. I think so.

Q. As against the negligence of each other?—A. I think so.

Q. And is it possible for accidents to occur in a mine in any other way?—A. There might be cavings in a mine or something of that kind, not directly traceable to any negligence of any employee.

Q. (By Representative BELL.) How would it be about defective machinery put in by the owner?—A. That could hardly be called negligence on the part of the employee, particularly if the employee might have—as I have heard of instances—called attention of the management to the fact that the machinery was defective.

Q. (By Mr. RATCHFORD.) Do you believe such laws are just and equitable to all parties; I mean such laws as you have referred to, that would make the employer responsible to the employee?—A. They hold that the fellow-servant is responsible instead of the employer in the case of an accident. I think it is the height of injustice. I don't think that he should be held responsible. I think the employer should be held responsible for an accident occurring to one employee through the negligence of another employee.

Q. That part is understood, but as it is at present if the employer is to be exempt from damages and the responsibility shall be transferred to the fellow-servant, do you believe that the man who loses his life or is injured because of the supposed negligence of the fellow-servant should be consulted before the fellow-servant is placed at work with him?—A. Yes; he most assuredly should be if he has to be held responsible for it.

Q. As it stands at present, it simply means that a man shall perform his work with anyone that the company sees fit to send with him?—A. Yes.

Q. Whether he is a practical man or not?—A. Yes; he has no choice in the matter, except as he quits.

Q. He has no choice in the matter, and there is no one responsible for it except the party sent to work with him and upon whose action his life depends?—A. Yes, that is it.

DENVER, COLO., *July 13, 1899.*

TESTIMONY OF MR. HARRY A. LEE,

Commissioner of Mines, Colorado.

The subcommission on mining being in session, Representative Bell presiding, Mr. Harry A. Lee was introduced as a witness and, being duly sworn, testified as follows, the topical plan of inquiry on mining being followed:

Q. (By Mr. RATCHFORD.) Will you kindly state your full name, address, and present occupation?—A. Harry A. Lee; commissioner of mines is my present title; address, State Capitol building.

Q. And your residence?—A. My home address is 1355 Lafayette street, Denver.

Q. How long have you served in that position?—A. I am on my fifth year.

Q. Have you a force of subordinate inspectors under you?—A. I have two.
Q. Two for the whole State of Colorado?—A. Yes.
Q. How many mines have you to inspect in the State?—A. I have never been able to get around yet, so it is pretty hard to state.
Q. Never been able to get around yet?—A. There is enough work in the Cripple Creek district alone to keep all of us at work constantly.
Q. Do you believe your force is adequate to properly inspect the mines?—A. No.
Q. As a result the men, I presume, are compelled to work in bad air, in some cases, are they not?—A. In some cases they are. I might say in that connection that our best ventilated mines are the mines operated by the large companies; that the greatest amount of work in our department comes from the lessees, the men who are working for themselves, and for that reason often refuse to permit official interference—the old miners that claim the right to destroy their lives with that work if they desire.
Q. But would not do that for anyone else?—A. Not one minute.
Q. What were you engaged in prior to the time of your appointment as mine inspector?—A. Just prior to that I was in charge of a lot of the big mines in Leadville. I believe we had about eleven hundred men on our roll at the time I was in charge of the properties there.
Q. Is there any probability of your force being increased so as to meet the requirements of your State?—A. Well, I hope so. I believe the completing of a department like the one we have here must be considered sooner or later. It has been turned down for a number of years by the action of our general assemblies. The greatest trouble we have had heretofore has been the fact that the representatives coming from agricultural and horticultural districts all hang together with the representatives coming from the centers where the State institutions are, and our mining men as a rule become stagnated. The hardest committee to get together in the legislature is the committee on mines and mining. Why it is I don't know, but I know from my own experience that it is so. I managed during the last general assembly, out of a joint committee of twenty, after drumming them up for three days to get nine together, and that is the largest number I believe we ever did get together.
Q. How long were you engaged in the business of managing mines?—A. I have been engaged in that business the most of the time for 20 years in this State, in various sections.
Q. Have you any interest in mine management or mining industry at the present time?—A. No. I should qualify that a little. I have some mining interests, but at the present time they are, and have been for some time, dead, or at least resting.
Q. Take up the topical plan of inquiry and glance over the questions of part 1.—A. I don't believe there is anything in the first 5 that I can say anything about. I know nothing of the trade unions, either as to their organization or how they operate or just how strong they are.
Q. Number 6, enumeration of the several causes leading up to strikes?—A. I should answer that by saying, agitation in the main. I am speaking now particularly from the standpoint of metalliferous mines. That is about all I have been connected with.
Q. You have had strikes in that branch of the industry, have you not?—A. Yes.
Q. Have you had any strikes against reductions in wages?—A. We had strikes against reduction in 1893 in Leadville, at the time of the crash there.
Q. Have you had any strikes for increased wages since?—A. I have not been connected with the mines since the strikes.
Q. Have you had any strikes since then, that you can remember of, for the improvement of the conditions of the laboring man; any strikes coming under your supervision as inspector of mines?—A. No; not under my supervision.
Q. Then the only strike you can point directly to is the strike against reduction of wages?—A. Well, we might call that a strike. At the time of the fall in silver in 1893 a number of the large mines in Leadville found it impossible to bring the balance out on the right side of the ledger after paying the wages. There was a strike against a reduction of the rate of wages, and considerable agitation against a compromise or settlement. It finally resulted in an agreement between the mine managers and the different labor organizations on a reduction of from $3 per day to $2.50 per day for the miner until the market price of silver was $0.8250, since which time the market price of silver has never reached that point. At that time there was considerable agitation against accepting the scale, but they prevailed, and the mines were operated under that basis, and in time it all settled down. The next trouble came up in the Cripple Creek district when they made a strike for a reduction of hours. That resulted in almost civil

war in the State, and a victory for the miners. The next strike was in Leadville, a strike by the miners' union, demanding that all men underground should be paid the same rate of wages. The management of the property held that a miner was in a great sense skilled labor and should be paid more than the so-called trammer or man who did the shoveling and pushed the car, and that is where the strike started, and eventually ended in a great strike and a great loss to the State and everyone connected with it.

Q. Going back to the first strike, the first stages of that strike—I understand the nature of it, as explained by you, was the fear of a reduction in wages?—A. No; it was a demand for an increase in wages for the trammers, for the same amount that the miners were getting, which was denied.

Q. You made mention of a reduction in wages back in 1893. The first stages of that strike were what?—A. You could hardly call that a strike. As I stated, when silver dropped to 60 cents we simply closed the mines. Then it resulted in our offering the men $2.50 per day, instead of $3, which they had been getting, until silver should reach 85 cents. They refused that at first, and we finally compromised at 82½ cents—as soon as the market price of silver was 82½ cents. Now, there is one point about that that might be mentioned. After the winning of the strike in Leadville, that is, to pay $3 men $2.50, a great many miners left there, left the Leadville camp and went to Cripple Creek. Whenever the mines in Leadville could possibly afford it and were able to pay their miners $3 per day, there was no strike for restoration, no demand made for restoration; it was made voluntarily upon the part of the operators, because they found it necessary to do it in order to keep skilled labor. They raised the wages of the miners, restored the old wage scale, just as soon as they were possibly able to do so throughout the mines; but the wages of the trammers, the laborers you might say, remained as they were, and that led up to the final Leadville strike, because the unions demanded that these men be paid the same as the skilled labor.

Q. If the operators of Leadville could afford to pay $3 per day, after making the compromise of $2.50, could they not as well afford to pay it then, even though their miners remained there and were not compelled to find employment elsewhere at better wages? The point I want to bring out plainly is: What had the fact to do with the increase of wages in Leadville that miners could get employment elsewhere?—A. If I understand your question rightly, you want to know why they increased the wages voluntarily?

Q. Yes.—A. As I stated, it was in order to keep skilled labor.

Q. Then why did they reduce it?—A. Because they were compelled by the fall in silver to do so.

Q. Did the conditions change?—A. Yes.

Q. Why did the price of wages not change?—A. They did change right along.

Q. But you have stated that the cause of the change was due to the fact that the men of Leadville were able to find better wages in another field, and left Leadville?—A. Yes, many of them did.

Q. And that the Leadville managers raised the price of wages as an inducement to keep them there?—A. Yes.

Q. If that was it, then why not have raised the wages simultaneously with the advance in price; can you explain that?

Q. (By Representative BELL.) What Mr. Ratchford suggests is this: You say that the operators were compelled to reduce the wages to $2.50 by reason of the great fall of silver; you follow that by saying that many of the skilled men were not willing to work for that and being able to find a better wage in Cripple Creek went there; then you say that the operators at Leadville were compelled to raise the wage in order to get skilled men. Now Mr. Ratchford asks you, if they were compelled to raise the wage in order to get skilled men, did the fall in silver really require them to reduce the wages?—A. Yes, at that time it did. I believe now I understand the question. Up to the time of the crash in 1893 the mine operations had been conducted along certain lines; we had certain economical conditions that entered into mining at certain places for several years; there was so much for transportation of ores, so much for treatment, and when the drop in silver took place in 1893 to 60 cents, there was a readjustment all along the line.

Q. At the time they started to work at reduced wages, $2.50, the readjustment had not been made as fully as it was made later when new contracts were entered into and new rates made. It made a reduction all along the line and when it was raised it was raised voluntarily. It was not taken as voluntary, however, but to keep the skilled labor, and upon the ground that they could afford it at that time, but at the time of the reduction they could not afford it.

Q. (By Mr. RATCHFORD.) I have understood, and I believe justly so, that you stated as the sole cause of the advance of $2.50 to $3 per day the fact that the

skilled men were leaving Leadville?—A. Yes, that is what I believe to be the case.

Q. Now, then, if the companies could afford to raise wages under that condition, could they not afford to raise them even though these men had not left Leadville?—A. Yes, after the new condition of affairs came around they could; prior to that, no.

Q. Could they do it at the same time it took place if these men had remained in Leadville?—A. No.

Q. Do you believe, as a business proposition, it was policy for them to increase wages there in order to keep skilled men?—A. After the readjustment, yes. I was handling at that time at one place an average of 3,900 tons per day at a profit of 30 cents. With the closest margin we could handle that we could not pay $3 per day, but we got contracts whereby we got a little less freight rate and a little less for treatment, and it immediately went back to the labor; but prior to that it would simply mean a loss of from 7 to 9 cents on every ton of it we touched.

Q. That readjustment enabled the mining companies to pay that advanced price?—A. Yes.

Q. If that be the case, that the readjustment enabled them to pay the advanced price and they were willing to pay it, then the payment of it was not due to the fact that the men were migrating to other districts?—A. I think so.

Q. You think that is the chief cause?—A. I think that is the chief cause.

Q. Then if the men had not migrated to the other district they would have received this additional 50 cents per day?—A. No, because they were not worth it.

Q. (By Mr. KENNEDY.) You stated that in the main the cause of the strikes has been the agitator. I would like to ask you if you had it in your mind to speak disparagingly of the so-called agitator?—A. My experience has been such from early life. I have very little sympathy with him.

Q. I would like to ask you if nearly all social, political, and religious reforms have not been brought about by agitators—men who have stepped out from other places and whom those derelict in their duty brand as pernicious agitators?—A. Yes, that is largely so; but I think there is a distinction between the industrial question and other questions.

Q. Were these men put forward as the representatives of these organizations? Did they speak by authority, these men whom you call agitators?—A. Yes, I guess they did. They represented their organizations and their organizations followed them in the compromise that was finally made.

Q. (By Representative BELL.) You spoke of the men migrating to Cripple Creek. What was the condition at that time in Cripple Creek that enabled mine owners in that camp to pay $3 when you could pay $3.50?—A. It was their product that enabled them to do it.

Q. What was their product?—A. Gold.

Q. And yours was silver?—A. Yes. I may say in that connection that I am perfectly willing to go on record about this matter. At the time of the starting, you may say, of the Leadville strike, I went to Leadville and interviewed some 300 or 400 men as to their desire to strike, or not to strike. Out of this 400 men there were less than 3 per cent not in favor of going right back to work and not having a strike. That was less than 3 out of 100 in favor of the strike. Now I may say in all fairness that my investigation might not have been an absolutely fair one, for the reason that my acquaintance with the men was, of course, among the most conservative men, men of families who owned houses, and who had been there a number of years. These were the men whom I knew and these were the men to whom I talked. My object in talking to them was to ascertain whether or not the majority or at least a large portion of them were in favor of going on a strike or whether they were in favor of going back to work and helping to stop the strike. I satisfied myself on that score fully. They were simply forced into the strike by intimidation; coerced by threats; and there was then and there is to-day a holy horror among the miners of being called a scab.

Q. (By Mr. RATCHFORD.) Do you feel satisfied that in that connection you made as fair a canvass as could be made under such circumstances?—A. As I qualified myself, I am.

Q. And you found there was only 3 per cent of them, or thereabouts, in favor of going on a strike?—A. Yes.

Q. Have you any idea and can you conceive of any idea by which 3 per cent could intimidate or coerce 97 per cent?—A. Yes; but I don't know how.

Q. I asked you if you could conceive of it?—A. I know it. I can not conceive of it.

Q. Can you explain it?—A. No, I can not.

Q. Simply make the general proposition that it is true?—A. It is true. I could

relate an instance to you in early life that might throw some light upon that subject, and which is apropos of this, and in regard to labor along the same lines—in regard to the coal district of southern Illinois. I entered the mines under a tutelage quite young. We had 3 men whom, as a boy, I worshiped. They were at all times alive to the interests of their fellow-men and at all times working for their benefit. In time I passed through the mine, up through the engine room and into the office. After serving there for some time I was placed in charge of the books, and much to my consternation I there found that my idols were on the annual pay roll of the company; and whenever the docks were full and the cars were full, and the market was short, these gentlemen were called for, for some reason or another, and there would be a strike there for some supposed injury, and when we got the yards cleared and ready to go ahead again the strike would be called off. There were 3 men and they were not 3 per cent, but they managed them for 3 years without their knowledge. As to the miners here, I don't know. I only speak from my investigation. I only speak from those I talked with as to what they believed and wanted to do; I only know from what they told me; but I talked with them and not more than 3 per cent of them desired to stand out and make a strike.

Q. Were those men in Illinois you referred to as being on the pay roll of the company—were they advocates of strikes?—A. That depended upon what the company wanted with them. They were laborers in the organizations.

Q. The company does not pay their men to advocate strikes?—A. We paid them.

Q. In Illinois?—A. Yes; we paid them so much a year.

Q. They got their salary right along to advocate strikes?—A. Yes; when it was necessary. If we wanted to close down and wanted some excuse to close down, they supplied it.

Q. Is it not a fact that whenever a mining company wants to close its works, it does so without the excuse of anybody, as a general rule?—A. I believe they have that right and they generally do it.

Q. And the public concedes them that right?—A. Yes.

Q. Is it not a fact that the men whom you referred to as being on the pay rolls of the company for which you worked in Illinois were paid a consideration to keep down strikes rather than advocate them?—A. You can take either horn of the dilemma.

Q. But I want you to refer to it.—A. They were paid to advocate strikes and to keep down strikes. They were paid to control the men working in the mines.

Q. To control the men?—A. Yes.

Q. You have found that to be the case in Illinois. Were the 3 per cent of the miners you spoke of in Leadville, who were in favor of the strikes, were they on the pay roll of the company? You are in a position to answer that, are you?—A. No, they were not.

Q. That is one case in which men advocating strikes were not paid to do it?—A. Yes.

Q. (By Mr. KENNEDY.) Do you know they were not on the pay roll of the company?—A. I know they were not on the pay roll of the company for that purpose. They were not there in that capacity—to control the men.

Q. (By Mr. RATCHFORD.) Nor did they receive any money from the company for doing it?—A. No; none whatever.

Q. No. 7: Economic results of strikes and lockouts.—A. I should say the economic results of strikes and lockouts to workers, to employees, and to the community at large are very bad. Every one suffers.

Q. No one, according to that, is the beneficiary?—A. No; I don't know of one who is the beneficiary.

Q. Have you ever known strikes to bring about increased wages?—A. Yes.

Q. Then the men who received the increased wages were benefited, were they not?—A. Well, that is a question I am not clear on. In a general way, yes.

Q. As to the methods of strikes, what are the methods usually employed?—A. Well, I don't know that I can define them. The boycott I only know of in a general way. I have heard it has been employed in the State in a good many places, but I know nothing of it personally. The blacklist is something I have never seen. I understand it is claimed that employers of labor carry a blacklist and it is passed around among them, and that when a man is placed upon it that man is under a ban, but I know nothing about it from my own experience. I know nothing of boycotting or patrolling or anything of that kind.

Q. How are the strikes conducted; that is to say, are they conducted in a legal manner, and how are they supported, etc.?—A. As a rule the strikes of Colorado have been in the incentive quite orderly, and have only become violent after they have gone some time, and, I might say in all justice, go too far—both capital and

labor—in their declarations and intentions. They usually come out and go through the form of making requests and demands which are denied, and propositions are made back and forth until the matter is finally adjusted.

Q. Compulsory arbitration; what have you to say on that topic?—A. I am very much opposed to anything of that kind personally. I believe these questions should be settled between employer and employee. I believe that when the individual or corporation invests its money in an enterprise that gives employment to labor and differences arise, that the men employed and the man who has his money at stake, are in a better position to come to an understanding than a third party can decide the matter. As I understand arbitration, it is where it is referred to three parties practically disinterested, at least one of them; you might say the majority of the arbitration board is supposed to be disinterested; and their finding is final, and it is the highest court to which one can go. I simply reason all of these things from a personal standpoint. If I had $1,000,000 invested and could not get along with the employees I would not want Mr. A, Mr. B, or Mr. C, who have no interest whatever in my investment, mining or anything, to come in and decide for me what I had to do.

Q. Have you had any experience in that connection, in the conducting of strikes?—A. No, I have not had any experience.

Q. The question of wages, No. 13?—A. The general rule in metaliferous mines is the monthly pay roll. I find in traveling over the State that it differs a good deal in various localities. In some districts they pay the Saturday nearest the 1st that would sometimes come on the 5th or 6th of the month, but as a rule it would be the Saturday nearest the 1st. As they can not pay before the last day of the month they sometimes pay on the 1st or 2d, which can not be over a week away. In other districts they pay on the 15th. But there is no fixed rule regarding it. It is a matter of agreement between the employer and employee, and I think in some districts works a disadvantage to the employee. In some places they practically carry and operate the mine upon the employees' capital for 25 days.

Q. Do you believe the employee should receive his money more than once each month?—A. No; I believe it is better for him that he receive it but once each month.

Q. Do you believe it should be in cash?—A. Cash or its equivalent. I mean by that a check or anything they can turn into cash.

Q. You don't mean store orders?—A. No; I don't mean store orders.

Q. No. 14; time-work, where men work by the day or by the month?—A. Well, time-work in the metalliferous mines of the State has been variable. The average time taken throughout the State until the past 2 years has been 10 hours for a day's work in the day time and 9 hours at night, and ever since 1879, so far as my knowledge goes, the time of the shift is largely made by the character of the work upon which the men are employed. In fact, never have I known of men working in wet, deep mines to exceed 8 hours, and there never was any distinction made in the amount of wages, whether the men worked 8 hours or 10, because if he worked 10 hours it was assumed that he was in good ground, and if he worked 8 hours that it was in wet ground or bad places, or that he was working in a drift or in some place like that where it was desirable that the work should be pushed very rapidly.

Q. In all cases are the employees paid by the day in metalliferous mines?—A. Not at all. A large amount of it is contract work—that is, they are paid by the foot for drifting and by the fathom for sloping.

Q. I mean the miners who are actually mining the ore; they are paid by the day, are they?—A. No; not altogether. In some of the mines they measure the ore by the cube and move it by the fathom or by contract at so much per fathom. The general system of breaking ore is by the day's wages. Drifting depends largely upon the kind of ground to be developed, but I think it is safe to say that by piecework or contract work the men work different hours; they are largely their own bosses, and I have known quite a number of them to work 12 hours.

Q. For the same rate of wages?—A. Well, they work by contract and make according to the amount of ground they break. The general custom of overtime in the mines has been time and one-half, so far as I know, although I am not quite clear on that—that is, for each hour worked overtime the man is allowed an hour and a half. Taskwork, as I understand it, is the same as what we define as piecework. I know of no sliding scale, if I understand it properly, in metalliferous mines.

Q. (By Representative BELL.) What is the standard of living among the miners at the present time?—A. Well, our miners get various prices. The average price in the State to-day is $3.50 for the cheapest work; but nearly every camp in the State has local control of that. Now we will go to the trammers, being the

ones the unions in Leadville demanded should be paid as much as the miners. I know of only one district in the entire State where the trammers are paid as much as the miners, and in that place they are paid more. The miners get $2.50 and the trammers $2.75; but in nearly all of the large mines, the extensive working mines with big ore bodies, the miners, I believe, get $3 per day whether they work 8 hours or 10 hours; and I presume that could be fixed as the standard wage, the standard of living. It would be an average of about $2.75, taking it all around.

Q. (By Mr. RATCHFORD.) Store orders and payment in kind?—A. I don't know of any that have been used in metalliferous mining. I understand some of the coal mines use the scrip, but as to that I am not conversant.

Q. Fines and penalties.—A. I presume under that head hospital fines or assessments might come in—also insurance. Quite a number of the men are insured in both. They insure, as a whole, to indemnify themselves against accidents, and they insure the men and the mine thereby, at from 75 cents to $1 per month apiece. In case they are hurt while at work, the man hurt is taken care of during his accident and draws half pay for the period of 26 weeks or something of that kind; I don't remember just what the insurance contracts are. Where they carry indemnifying insurance themselves that is a matter with the men and the insurance company; but where the mine insures them you can call that a fine, I suppose. Now, in the San Juan country this fine or assessment is largely in doctors' and hospital fees; they have very little insurance there.

There are very few mines, that is metalliferous mines, in which any charge is made for tenements. There may possibly be a few, but as a rule a man can either go to the boarding house or if there are tenement houses he can go there; and there are but few of the metalliferous mines that have tenement houses where there is any charge made for them.

Q. Relative rates of wages.—A. In mining there is not much difference in wages now from 1880. The only difference that I can recall now, if any, is, I believe, I paid men for mining in 1880 $3 per day, and in the same sections where I operated then the men now get $3 per day, and $2.60, and $2.40, something like that, and pay their board out of it. They can either board themselves or board at the company's house; it is optional with them.

Q. The difference from 1880 and the present time would be 50 cents per day and board?—A. Yes; 50 cents and board. A man who was getting $3 per day and board in 1880 was really getting $4 per day, because they could not get board at less than $1 a day at that time.

Q. They got that as compared with $2.50 or $3 per day now?—A. Yes; according to the district they are in.

Q. As to the relative social condition of labor, is their social condition reduced or does it become inferior in proportion to their reduction of wages generally?—A. Well, I don't know that it has. There is quite a marked change from the personnel of the men working in the metalliferous mines 20 years ago to those of to-day. Twenty years ago the men working in the mines were largely of a high intellectual order, and a great many of them were college graduates who were out rustling for themselves and trying to make a fortune. I think it is safe to say that at that time 80 per cent were of that class of people—I mean in 1880. I remember in the winter of 1881 and 1882 I was working 26 men—had that number on the pay roll—and 19 of them were college graduates, graduates of either Yale or Harvard. I simply mention that to illustrate the class of men we had at that time. Since then the mines have developed largely and a great many more men are now employed, who if they have any ambition above the per diem they receive they do not indicate it. You can divide the metalliferous miners into two classes, the miner who is perfectly satisfied with his living and the per diem he is getting and the miner who has his prospect over the mountain and mines by the day for the purpose of getting enough money to develop his property. You can take the two classes and find a different set of men in each. One is of the lower order, you might say, in the scale of civilization.

Q. Do I understand that the social condition has not improved?—A. I think it has improved materially. The social surroundings are better. They have better chances for development if they choose to employ them.

Q. How do you account for the improvement in view of the fact that such a large per cent of the men 20 years ago were educated men, as compared with the number employed now?—A. Why, the mining camps were comparatively new. There were no churches, and homes were comparatively new, and the only places of natural resort were the saloons; the only places they could go to were the saloons and hotels.

Q. (By Representative BELL.) What is the purchasing power of the day's wages

now in Ouray, where you operated in 1880?—A. I was in Gunnison County in 1880.

Q. What was the comparative purchasing power of $4 in 1880 to $2.50 now, as to the necessaries of life?—A. I would say that $4 then would not get as much as $1.50 would now. Everything, of course, was very high then. Those were the days of stage coaches and freighting by teams. In some things it is pretty hard to answer the question. For instance, in Gothic that year I paid 15 cents a pound for oats, 50 cents a pound for bacon, and 10 cents a pound for flour, and $4 did not go very far—a man could not get anything to eat.

Q. (By Mr. RATCHFORD.) While the purchasing power of the money may have increased to a very great extent, it is also true that the opportunities to spend money to-day are far greater—there are more things to buy?—A. I have never seen any charity or want in the State until now.

Q. Take 24—increase or decrease in number employed, etc.; what have you to say on that topic?—A. I think our employees, in the main, are gradually increasing all the time. Compared with the mines 4 years ago, the tendency has been generally toward an increase. The excess of employees, I think, is largely in the centers—that is, the large camps and the cities. There are comparatively few men in the ordinary mining camps who have not been able to obtain work if they absolutely wanted it. Of course there are men there who have for years claimed they could not obtain work, and yet while they were unable to get work, as they claimed, an entire stranger would come in from somewhere else and get work the next day.

Q. The number of employees is greater now than at any other time in your State, is it?—A. Outside of last year, yes.

Q. They find constant employment?—A. Yes; I think the number constantly employed was greater last year than at any time in the history of the State. I mean running right straight through. We have a large amount of labor in the State done by parties whom you would not call laboring men, who do assessment work on their own claims.

Q. What you would call temporary employment?—A. Yes; in a way. In my office there are 4 clerks; they are going out next week to work their assessments; they will be about 30 days, and it runs that way all over the State—doctors, lawyers, and all the professions. The men take their vacation by going out and working their assessments, so as to comply with the law. I don't suppose they do very much, but they hold their claims in working their assessments, and spend their time in working on the claims, and it is classed as work. They have to keep a record of it. Taking the men who are employed and who are on the pay roll month in and month out, I believe there were more men employed last year than at any other time in the history of the State. Cripple Creek, of course, has the largest per cent employed, but there are a good many employed at Aspen, and Leadville, and over in the San Juan country.

Q. Do they find permanent employment?—A. Yes, most of them do.

Q. The number employed was greater last year than at any other time in the history of the State?—A. Yes.

Q. Were there not miners, who depend upon mining exclusively for a livelihood, out of employment in your State last year?—A. I think so, yes.

Q. Will you state to the commission the percentage of that class, compared with the whole, approximately?—A. I don't believe I could. I don't believe there are many but what could get employment. I think the employment is there.

Q. They don't get it.—A. As I said a short time ago, why some men apparently seek work and don't get it I don't understand. Another man, a stranger, comes in the meantime and gets work the next day after he arrives. I don't understand it, unless it is that these men are constitutionally opposed to it and don't really want it.

Q. Well, the fact that they go to seek it is evidence that they want it, is it not?—A. Not fully, no.

Q. Unless they should be offered it and refuse to take it?—A. I will give you an illustration: a man came to me while I was working the property at Leadville and said, "Mr. Lee, I don't suppose you could put a fellow on, could you?" Now, there is a man who is looking for work, and there is an implied request, but I think, and have always felt and believed, that he would have been disappointed if I had said yes.

Q. Do you attribute that to an inherent desire upon the part of that man to continue in idleness, or do you attribute any part of it to his lack of knowledge of how to address a man in your position, or any other cause?—A. I have never been able to determine that.

Q. I ask you now as a general proposition—men who follow mining, especially

in the Western country, I believe, are not of the most highly educated class of workmen; in metaliferous mines, in all of the mines of the Western country, where school facilities are not as good as they are in other States?—A. School facilities have cut very little figure with the education of our miners of the present day. Nearly all miners of the present day in Colorado are imported. They come here from the Eastern States. I presume you will find boys of 22 or 23 years of age now beginning to take up the helm, and after a while we will have the Colorado product.

Q. If a miner seeks employment he endeavors to make himself plainly understood and without familiarity?—A. Yes.

Q. If he asks, "Mr. Lee, have you a job for me?" in so many words, or, "Mr. Lee, can you give me a job?" or, "Mr. Lee, I don't suppose you could put me on, could you?" It simply means the same thing to him, but to a man in your position it may seem vastly different?—A. It is vastly different.

Q. Are you of the belief that if a man is asking for a job, and it had the same meaning, that he ought to put it in a particular way in order to be denied work?—A. As I have said, I have never been able to determine that. I have followed it closely. Some men actually put it in that way because they don't wish work. Others put it in the same way, and, of course, were denied, although they were really good workers, and really wanted work, and really needed it. But I think that where most men don't get employment it is very likely due to the way in which they ask for it. Of course, if a man has a family and is absolutely needy and wants work, and shows a willingness to work, he is given a preference over anyone else. His conduct, in a manner, identifies him, and it is easy to see that he is needy and feels needy and will work; so we do business in that way. I know of a few cases where we have worked an injustice, where men really needed work, and it was denied because they did not explain their position; but in many, many cases I know the men would have been very much disappointed if I had said, "Yes; come to work in the morning."

Q. Do you know of any reason, if a man comes and asks for work, why he should want to be denied; what object could he have?—A. As the boys say, he has to make a showing that he has tried to get work. If he does not make a showing, the boarding boss might put him out, and the boys would refuse to lend him money.

Q. Could he not make that showing without going to you, without asking for work? Could he not go fishing, for instance, and say, "I have seen the bosses and they refuse me."—A. Good many of them do fish.

Q. A man that could do that is capable of lying, is he not?—A. Yes.

Q. The shorter workday, No. 29.—A. I should say it would be very hard to do justice by establishing a workday. There are some places where I believe it would be better for the men to work 10 hours; there are other places where I think 6 hours is enough for them to work, and I don't think it is good for either the men or the employers for the legislature to make it a certain, fixed time. A good many factors enter into these things.

Q. Are there any places in your State were they work 6 hours?—A. We very often work men 6 hours in an uprise, drift, or something of that kind. I have worked men 4 hours and paid them for the day. That would be where the water was dripping down. There has always been a disposition on the part of the employers to work men shorter hours in these cases and pay them accordingly. I don't know of a instance where that has not been the case.

Q. Have you any mines operated on the cooperative plan in your State?—A. I don't know of one.

Q. Thirty-seven; sufficiency of public school facilities in the several States and Territories.—A. I think the school facilities are ample; and the public school instruction is sufficient for all the necessary wants.

Q. Within your State?—A. Yes. We pride ourselves, I believe, on having the best school system of any State in the Union for the size; whether we are entitled to that or not, I can not say, but we believe it.

Q. (By Mr. KENNEDY.) Have you manual training schools?—A. We have one very good one here.

Q. Is that the only one in the State?—A. I am not positive whether they have one at Pueblo or not. They talked of starting one there, but I am not positive. This is the only one I have any knowledge of.

Public libraries exist in a great many towns throughout the State; of course they are small in places and especially in the mining camps, but you would be surprised if you were to visit them and could only see the character of the reading rooms and the libraries they have there. You go to a mine where they are away up in the mountains, away from the center, and there is scarcely a political party which is not represented there; and they have, especially, such magazines as the

Forum, Review, and that class of literature. I believe, in proportion to the people in the mining districts, as compared with other communities, that the subscriptions to the Congressional Record are larger in number than in almost any other place. And they are not glanced at and left unread, but they are read. A man living up in the mountains has nothing to do but work, eat, sleep, and read. He reads one thing and another, but when he is through with a paper it is read. Of course a man may be 2 weeks getting his mail, but when he gets it he reads it.

Q. You stated that your inspection force was inadequate. Please state what appropriation the State legislature gives you for your work.—A. The total appropriation is $20,000 for two years.

Q. How much of that is salaries?—A. Well, the salaries and expenses use all of that but $2,000, and that $2,000 is a thousand dollars each year for the incidental expenses of the office; that is, $9,000 a year for salaries and traveling expenses.

Q. Do you make investigations upon complaint of the employees and the employers too?—A. Yes.

Q. From whom do you receive the largest number of complaints, employees or employers?—A. The largest number comes from discharged employees.

Q. (By Mr. RATCHFORD.) You have no complaint whatever from the employers, do you, as to the condition of the mine?—A. No. We are, as a rule, invited to investigate. We are very often invited by the employers to consult with them in an advisory manner, and we are always requested to come in any time.

Q. You have a larger number of legitimate complaints than you can attend to?—A. No; we have been able to comply with the complaints filed so far; but it is detrimental, because it keeps us jumping from one side of the State to the other. In other words, you might say we are hitting the highest places; that is, where the complaints are the most bitter, so that it keeps us going all of the time. If we were adequately equipped to investigate we could take a mining district and go through it systematically and find out how it was getting along. As it is now, we might work in one district a week and then have to jump over to some other part of the State. That is where it hurts us in trying to do systematic work.

Q. Have you ever received anonymous complaints and given them attention?—A. No. We have received a good many that were signed, but I found out afterwards that the men who signed them or whose names were signed to them, did not exist. And unless they are signed apparently in good faith we pay no attention to them. I am sorry to say that upon investigation we find that most of those who make complaint have a spite at the mine because they have been discharged. On the other hand, we get a good many good, valid complaints from miners who have families who are endangered; and we appreciate those very much, and we protect them in making the report to us, for if they were known to have made the report they claim their position would be sacrificed. But whether that is so or not we protect them and make all changes that may be necessary to make. But the majority of them, as I say, are made because of spite.

Q. Don't you believe if the employees in the mines were permitted to make anonymous complaints, you would, perhaps, have more calls than you now have?—A. I don't know how that would work. It is merely a matter of supposition.

Q. The impression must not be left on the record unless correct that the inspection department shall wait in any case until the employees make complaint?—A. I hope such an impression will not be left, because our men are in the field constantly; they are in the field all of the time.

Q. How many additional inspectors, in your judgment, should be added to your present force?—A. Well, if we had sufficient special inspectors for looking into casualties and thus permitting the men to go right through the State and finish a county when in that county, I think probably four more inspectors would keep things moving right along. The point is this: If we have, under our present law, an inspector working in Gilpin County up north, and an accident happens in San Juan County down in the southwest, and if it is an aggravated case, the inspector has to leave Gilpin County and go a day-and-a-half ride to San Juan County. He may work there a week and then have to go to Cripple Creek. You can see he will be spending from half to three-quarters of his time in traveling, whereas if we had a man appointed in San Juan County to investigate that accident there so that the man in Gilpin County could remain there and finish his investigation in that county, it would be an entire saving of the railroad travel and the cost of sleeping car and other expenses of traveling. I think 4 more men would keep things in good shape for a number of years.

Q. Part II—as to capital employed. Take the first subject—capital invested during the past 50 years?—A. There has been more money expended than has been taken out of the mines of Colorado in the past 50 years. As an abstract proposition, the mines have cost more than they have produced.

Q. Do I understand that it has cost more money to produce the minerals of Colorado than the market value of those minerals; more than the amount that they have brought to the men who have produced them?--A. I would amend that a little: There has been more money expended in searching for and extracting the precious metals of Colorado than has been extracted from the ground.

Q. Do you make that as a broad proposition?—A. Yes. I could make figures here in 20 minutes that would scare you, and substantiate that, too.

Q. It has been stated before this commission that the mining industry is a more profitable industry than other lines of business in your State. It is difficult to harmonize your statement with that.—A. I think not; I think it will come up presently from the questions; I don't believe they are incompatible at all. The amount of money expended in mining is spent in a way that you can not count the cost of production until it is expended; that is to say, you can not count it up against the production until it is expended. Thousands of people who engage in the business are money out, while others, who reduce it to an absolute mathematical proposition, are not out much money expended in search of the metal. The thousands of failures operate to make a balance. I believe that in small mercantile establishments the percentage balances better than in almost any other line, but mining is far ahead of it. You will find camps where there is very little mining done—a good deal of prospecting done and a great deal of gambling done; but there is a vast difference between these and camps where there is a large production of metal. You must take into consideration also the vast amount of money spent in search of these metals. Cripple Creek is doubtless one of the greatest mining camps in the world; there is no disputing it; but I will venture to say that there has been more money spent there than has ever been extracted from it. The money spent everywhere, in small camps and large, in searching for the metal—prospecting, gambling in stocks, etc.—must all be taken into consideration and balanced against the great producing mines.

Q. The money spent in prospecting is included in your statement as an expenditure in mining?—A. Yes; I don't see how you can leave it out. If you want to prospect and hire one or two or ten men to work for, say, 30 days each year, you would not put that money in unless you expected to get something out of it.

Q. Then that brings us to the plain proposition that, according to your statement, a very large amount is to be considered as being expended in the development of your mines by parties who have never done any mining, unless you include in that term the search for the metals?—A. Yes.

Q. How does the investment pay, as compared with other lines of business, turning our attention to those who are actually engaged in it?—A. I think it is paying more than other lines of business where the capital is sufficient to go right along and not be stopped by adversity. We have men in this State, for instance, who keep a crowd of men in the field all the time looking for mines and for new camps, and they assume that if they get one good mine out of 10 it is a paying proposition. They will take 10 properties and expend $25,000 or $50,000 on them. They may get nothing out of nine of them, but if they get their money back out of the tenth one they generally get much more back than the amount expended on all of them; for if they get a mine at all it is apt to be a good one, and the amount taken out of it is counted against the amount expended in searching for those that might not pay anything.

Q. Forty-seven; taxation.—A. Well, our taxation law here is evaded a great deal on mines; but it is an imposition to a great extent, and I think that is the main cause of the evasion of it. The production of the metalliferous mine is taxed a certain per cent of its gross value. Now if they are working all right and producing one grade of ore, a high grade, it is all right; but when you come to get a low grade, with the cost of milling, it is a worthless product to start with, and the gross value will run it up until you get nothing out of it, and of course there is a loss even without counting the cost of concentrating. Now you put that into dollars and cents and fix the tax on the gross valuation and I don't see where the justice comes in, and that is where the evasion is largely made in fixing the gross valuation. In dealing on one production I have managed to get the absolute production of the finished product. I have also managed to get them divided into kinds with the absolute understanding and agreement that it would not be used as individual ground of complaint.

Q. (By Representative BELL.) Is there not a small tax upon the ground?—A. No. Surface improvements are taxed, but where the improvements are small it practically amounts to a tax on the land itself.

Q. Yes, and ordinary prospects, while idle, are also taxed, are they not?—A. Not unless patented. If a prospect is patented it usually has some small improvement on it sufficient to get the patent, which easily keeps it under the rule as to

improvements, and if it is lying idle the tax is simply on the improvements. That improvement may be a little hole in the ground or a shack of some kind that is not worth anything. Our tax laws are not what they should be in that respect.

Q. What would you suggest as a remedy for that?—A. I am very much in favor of the Mexican law.

Q. What is that?—A. In the first place you don't own anything in Mexico. It is owned by the Government, and you have a right to so much ground, the size of which would be in the neighborhood of half of one of our mining claims, and you pay to the Government $10 per year for it, and in addition to that you pay a tax on the output, which is a tax on the claim itself. And when you fail to pay your taxes on the land it reverts to the Government and is open to relocation.

Q. (By Mr. RATCHFORD.) Take up No. 49, discriminations in freight rates; effects of, on capital, on labor and on localities.—A. I can say in regard to the discrimination of freight rates, I believe the Smith-Moffatt combination is probably the largest. They were probably the largest operators, at the time I was there in Leadville, in the State, and the claim was made that they got rebates, but I don't know whether there was anything in it or not; I know I did not get them.

Q. You know of none in the State?—A. I know of none, only by report.

Q. Closing of mines in localities; causes, natural and artificial?—A. There are a great many mines now closed down, but it is generally believed to be only temporary.

Q. (By Representative BELL.) What is the cause of the recent closing?—A. It is the 8-hour law, as to how they shall work, and what their future course will be, together with the shutting down of the smelters, affording a poor market.

Q. Are the smelters that have shut down recently combination smelters or individual ones?—A. They are what are designated as the trust smelters. They are combination smelters that have shut down; there is no question about that.

Q. What is the condition of the individual smelters; are they running?—A. Yes, the Guggenheim smelter is running.

Q. If these smelters were not in the so-called trust would they, in your judgment, be shut down to-day?—A. Not all of them; some of them would.

Q. What effect, then, does the combination of these smelters, in your judgment, have upon mining, beneficial or otherwise?—A. At the present time it is detrimental in the main, but I believe it will be beneficial.

Q. Do you mean that it could be made beneficial, or that it will be made beneficial?—A. It will be.

Q. Has not the combination the power to shut down the mining industry largely at any time, just by the will of the management?—A. Yes, but I don't believe such will be the case. I don't believe the amount of money involved in smelting could afford to allow it.

Q. Is it not possible that the combination can shut down the Durango smelter and not injure the company at all by running their ore to the Denver, Pueblo, or Leadville plants?—A. Yes, it is possible.

Q. What effect would that have upon the miners at Silverton?—A. It would increase the tariff on their ore very materially. It would not help them.

Q. Is not such a course always possible, if not probable, if the committee found it to the interests of the combination to shut down a plant here and there?—A. It is possible, but in this case I hardly think it is probable.

Q. What is the custom of employees around smelters, as to buying lots and building little houses?—A. A great many at and around the smelters build houses. Very often the companies have houses.

Q. Has it not been the custom of smelter workmen to become a part of the institution itself and build little homes with the intention of remaining permanently?—A. Yes.

Q. Now what effect would the permanent closing down of a smelter like Durango have on the smelter men who have built the homes?—A. Temporarily it would be disastrous.

Q. Would it not break up their homes if they had to go elsewhere to follow their avocation?—A. Yes, if no other smelter went in there. I think in the case pointed out another smelter would be there very quickly.

Q. Have you kept up with the other great trust machinery, like refining sugar and oil, where they have gone into the combinations?—A. Only in a general way.

Q. Is it not the fact that they generally dismantle their refineries in the smaller towns and outlying points and go to the great centers?—A. Yes.

Q. Does that affect or retard the progress of the smaller places?—A. It retards them.

Q. Does it not always have a tendency to congest the population in great centers?—A. Yes.

Q. Do you think that would be beneficial to the main industry or the general prosperity of the people?—A. It would be detrimental if crowded out along that line. When they concentrate or, in other words, put their forces in a common center, I should say it would be very detrimental.

Q. In speaking of the combination of these smelters I got the impression that you thought it would be really beneficial to mining?—A. I do.

Q. For what reason?—A. The reason is this: They changed their mill ore in the last 10 years. For a certain class of ore they have charged a very high rate, and other classes of ore have demanded a premium. The competition between the various plants has brought about this condition. The premium on the good fluxing ores was more than added to the nondesirable ores. Now, in the combination you do away with it and you have a distributing point whereby a large plant can have the good ores taken from one plant to another, and in that way there will be a reduction in the treatment charge of the ore to the individual.

Q. Well, in a case like the present, where they have shut down the trust smelters, is it not possible for the organization to divert the ores from New Mexico, Idaho, and surrounding territory to Omaha and Salt Lake City and smelt them there, whereas they formerly came here?—A. It is possible, but I don't think it is probable.

Q. Well, the manager of the combination, the local manager, said to us yesterday that they have sent out about 300 tons daily from here. Is that a detriment or a benefit to the industries of the State?—A. It is detrimental to the industrial condition.

Q. Is it not possible, if not probable, that these things may go on—has it not been your experience that wherever a great power is in charge in a State, either with labor organizations or with organizations of capital, if not controlled, it is unfavorable to business?—A. Yes. Now, I have answered your question assuming one thing and that is this: Under our present conditions I don't believe these conditions are possible, for the reason that we have two trusts instead of one. The Guggenheim trust is the larger of the two.

Q. It is running, is it not?—A. Yes; but they can afford to run. They have more money, and it is a bigger institution than all of this combine or so-called trust put together.

Q. Then one trust is liable to destroy another?—A. The competition there is the life of trade. If they should go in together it might be very disastrous. Mr. Guggenheim has practically controlled the situation in this State for 2 years.

Q. Where does his combination reach to?—A. Mexico. They have 3 smelters and refineries—1 at Trenton, N. J.—and they have the biggest plant in the State here. I believe the capital back of their smelters is something around 125 millions, and the other people only claim to have about 85 millions; and, as I say, the Guggenheim people have had control of the situation for 2 years, and in the last 18 months have paid more for ore in Pueblo than they have got out of it. They have paid more in Pueblo than they can get in New York. This forced these other people into the position they are in.

Q. (By Mr. KENNEDY.) Is his incorporation under the laws of the State of New Jersey?—A. I don't know.

Q. (By Mr. RATCHFORD.) When an organization of this kind gets into trouble with its men, are they not liable to shut down all the plants in this State where the trouble occurs, and run them in other places where they have no trouble as to labor, in order to make the men come to terms—is not that a power that would naturally be used?—A. It might be true.

Q. Is it your judgment that this is a dangerous power to place in the hands of any combination?—A. Well, I would not consider the smelting of ores with any other industry. This is an industry, a business with too much money involved in it, and they can not come to the large centers, but must be at certain points; they can not get away from them because transportation on ores is such a great item that they must be where the ore is, and then there is a limit to reduction in transportation. Here we have the valuable product and the conditions that are most favorable, and we can produce it and put it down in the general centers better than it can be done anywhere else. If they were all one, all went together in a trust—in other words, became one trust—out of the money they have at their back they would have the ore producers in their grasp, and of course they could run or not just as they pleased, and it would probably result in local capital here putting in a smelter of its own. I don't expect to see these things, because there is too much money involved, and the smelters must be where the product of ore is. The transportation charges will not admit of their being elsewhere.

Q. But it is possible?—A. Yes; but I don't think it is probable.

Q. And they can hold that power over their employees and over the mining

industry if they see fit?—A. Yes; they can, if you put it in that sense; but I don't believe it is probable that they will.

Q. (By Mr. KENNEDY.) Is the Guggenheim concern a trust in the usual acceptation of the term? Did he form a company and purchase a lot of smelters throughout the State, or did he build them up himself?—A. He built them himself. It is not a trust in the common acceptation or understanding of what a trust is. They are a large family, a very wealthy family, and they have been building up their industry a long time. They don't have to come into this combine. In fact, they are bigger than the combine; they have more money. Mr. Guggenheim's enjoyment and ambition in life is to be the philanthropist of America.

Q. (By Mr. RATCHFORD.) Do I understand you to state that this firm of Guggenheims paid more for their raw material here than they received for the finished product in New York?—A. For a portion of it—the lead ores. It is very easy in smelting. If I pay you $10 per ton more than the metal in the ore is worth and then charge $15 per ton more than I am entitled to charge, I would be coming out pretty nearly even on the deal.

Q. Admitting that each buyer is a consumer.—A. No; he is simply to me the same as you are. You are selling lead ore for which I pay you $10 more than it is worth. Each buyer is selling siliceous ore, which I treat at $15 more than it is worth; you get $10 more than you are entitled to and I am charging $15 more than I am entitled to, and the balance of $5 is in my favor.

Q. (By Representative BELL.) I understand that Mr. Guggenheim pays this price in order to get the lead for the fluxing and in order that he may supply his customers?—A. Yes. The lead is essential for the treatment of the ores, and that is why it is always at a premium. They have to have it in the fluxing, and if they can divert it around into the different plants, then instead of A, B, and C having to pay $15 per ton or $20 per ton for treatment, they can divert that right into the smelter and cut the price for treatment down to a third or a fourth. Lead has always been at a premium since 1881 and 1882, and it has always brought as much in the ore as it is worth in the foreign markets or in New York, and not in proportion to the business in which it is used—in the smelting. There is always a big demand for lead ores to use in fluxing the other ores. The Omaha, and in fact most of the smelters, get their lead from the Cœur d'Alenes or did up to the time of the trouble at Wardner. That is a feature in smelting; they have to have it in the fluxing.

Q. By controlling the lead production they practically control the smelting?—A. Yes.

Q. Because the other companies can not get the fluxes?—A. Yes.

Q. (By Mr. RATCHFORD.) If he controls the lead product why is it that he sells the finished product in New York at such prices as you have stated?—A. The market controls the finished product. He only controls the producing end, and he makes it up by his charges. The man with the siliceous ore has to pay that premium. The smelter is not out anything. He takes so much lead ore to treat so much siliceous ore. Now he pays a premium for the lead ore and charges a big treatment price for the siliceous ore to make it come out even. So far as the smelters are in competition, one with the other, none of them could compete for the lead product because he controls it, but there was enough ore scattered about that if they could get it together and under one management they could divert 10 or 15 cars from one plant to another and thus keep the scale of prices down to the standard point. There is scarcely 6 months in the year, for the past 10 years, that there has not been a change of the price of treatment of ores in Colorado. For a part of the time the lead mines panned out well and the operators gave the siliceous mines the benefit of it and dropped the cost of treatment. It has been up and down all the time.

Q. You believe by reason of his large capital he is able to exercise an advantage over the smaller smelters?—A. Yes.

Q. You stated, in speaking of competition between these people, that the smelting industry differed from other industries?—A. Yes.

Q. Is competition more fierce between them?—A. No; the investment in plants is more extensive and the cost of maintenance is greater. The amount of money invested is much larger. The amount of money necessary to furnish equipment runs from a million to a million and a half dollars. You have that much lying there.

Q. But the number engaged in the business is far less than in any other lines of business?—A. Yes.

Q. Can you state whether there is any other line of investment in which there is less competition than there is among the smelter people?—A. Well, I don't know that I can. The trades are very well distributed now in competing for business.

Q. By reason of their smelter trust would it not seem that competition between them would be less fierce than it would in industries in which greater numbers are engaged?—A. I might say that from the way business has been here for the past six or eight years none of them have made any money. They have not paid any dividends, although the claim is that they make thousands and millions of dollars. I have had the opportunity of seeing their books and I know that they have not paid any dividends. The competition has been fierce enough to run the business down to where they have not made anything. Of course they have made money at some of the plants but it has been at the sacrifice of some of the others.

Q. (By Representative BELL.) Is it not the understanding that the Grant smelter largely controls the lead product of Idaho?—A. I think so.

Q. And Guggenheim the other lead product; and, as I understand your point, the other individual smelters have had to use lead, and they are practically helpless?—A. Yes.

Q. And you think that by reason of that, the combination of all the individual smelters with the Grant smelter will give them the lead as well as Guggenheim?—A. It will be one combination against the other. The smelters that are combined can offset the advantages of the other plant, which, as individuals, they would not have been able to do.

Q. What effect does concentration and consolidation have upon wages of employees?—A. Well, the history of combinations on a large scale, I think, shows that they have been detrimental to wages.

Q. You think they have been?—A. I think so.

Q. Have you any suggestions to make as to the regulation of these great combinations by law, so that they may not oppress this great army of employees?—A. No, I don't believe that I have. It is a great question and one that I don't feel competent to pass upon.

Q. What do you think of the advisability of a few inspectors to see that they don't impose upon the public, the same as the Government has for the national banks?—A. I think it would be a good law.

Q. What is your idea as to having investigation into and the limitation of the so-called watering stock?—A. I would be favorable to that.

Q. You don't believe that any artificial person created by the State for the benefit of the people of the State should have its stock inflated, do you?—A. No; I am opposed to it.

Q. And your judgment is that it should be limited by law?—A. Yes.

Q. No. 54; the effects of machinery on prices, etc.?—A. In connection with metalliferous mining improved machinery has been very beneficial. It has increased the production very materially, and it has given employment to a great many more men. It has also made his employment, his labor, lighter, especially in the hoisting plants, and it has had the effect of making profitable a great many low grades of ore that were formerly unprofitable and unworthy of treatment.

Q. Is there any mining industry, gold, silver, lead, copper, zinc, cinnabar, or any other of these metals, that is producing a supply that is beyond the demand?—A. No; not that I know of.

Q. There is a demand for all the minerals produced in Colorado?—A. I think so. There certainly is for the gold.

Q. And your silver market is active?—A. Yes; and copper has been very active. Copper is very high. Lead is higher than it has been since 1878.

Q. Productive capacity of the latest mining machinery as compared with machinery 10 and 20 years ago; effect on cost of output and on overproduction—has there been any considerable improvement in the past 20 years?—A. I can say that Colorado has practically only commenced to mine; that within the past 5 years worthless ores have been worked to a profit, and are being worked to a profit now. The future possibilities can only be conjectured. It is largely due to science and the application of economical plants. Electricity in Colorado has advanced very materially. Colorado claims the honor of having the first plant that has demonstrated electrical results that were claimed by the leading electrical engineers to be impossible. I am speaking of the plant at Telluride. It was claimed that at that altitude it could not be accomplished, that it would be worthless, but the men in charge nevertheless went ahead and spent $20,000 or $30,000 for the different apparatus to transmit the power, and now they are running the mills there at an altitude of 10,000 feet by electricity, and to a great advantage.

Q. What have you to say of the extension of foreign markets, possibilities and methods?—A. I have looked some into that subject, but have not made a special study of it. I believe the time is not far distant when this section of the country

will furnish all the steel and iron used west of us, and that we are just opening upon a great era.

Q. How is the mining industry for steel and iron?—A. It is, as we would say, on the bum. It is very high.

Q. Are you familiar with the steel and iron plant at Pueblo?—A. Yes; I have been through it a number of times.

Q. About what is the extent of that?—A. I don't recollect just what it is, although I have it in my office. They have been adding a great deal of modern machinery there in the last year. They turn out steel rails, nails, plates, railroad spikes, and that class of material.

Q. Do you know the number of men that work in that plant when it is running at full capacity?—A. No. It would merely be a guess on my part.

Q. What is the character of the labor, black or white?—A. In certain portions it is nearly all black.

Q. Do you know where this colored labor came from?—A. Alabama largely. The last time I was there they were working about the furnaces. That is where they use the colored help largely.

Q. Do you know how they came to import that labor?—A. No.

Q. But you know it was imported?—A. Yes.

Q. (By Mr. KENNEDY.) Is the mining industry in a very prosperous condition in Colorado to-day?—A. No.

Q. No more than it has been?—A. Not so much as it has been in the last 2 years. It has dropped off very materially in the last 30 days.

Q. What is the general outlook?—A. The general outlook, if it had not been for the strikes, was for the most successful year in the history of the State.

Q. Do you not think there would have been a realization of that prospect if the labor troubles had not occurred?—A. I do. In fact, there is no doubt about it at all.

Q. Don't you believe, then, in view of the prosperous outlook, that labor was justified in asking for an increase of wages, the increase that came with the reduction in hours, because it was an increase if they received the same pay for 8 hours that they had formerly received for 10 hours. Don't you think in view of the bright prospect that they were justified?—A. It is costing everyone too much money, and I do not think it should have come around in that way. I believe in high wages but I don't like to see the advance come in that way. I was opposed to this 8-hour bill in the legislature, and when it came to the judicial committee I opposed it on the ground of its unconstitutionality; but they would not listen to it.

Q. Was it not the natural time for the employees to look for an increase, when there were such bright prospects in the industries of the State?—A. While the prospect in some places merited this increase, it is hard to make a law of this kind that would not hurt. The question was not one-sided, because when you take out 20 per cent to put on the men's wages by reducing his hours it comes off the producer of the ore. Then if the smelter adds 20 per cent to his wages, where does that come from? It comes from the man who produces the ore. He has to make that up and he gets a great big cut in the price for his ore. In other words, the producer of the ore gets it on both ends of the string, and there are so many of our mines working so close to the red line in the ledger that when they pay the expense of mining they have very little left, and if there is any reduction in the price paid for their ores everything would come out on the wrong side of the ledger. If all the mines in Colorado were like the Portland, the Independence, the Welden, or Smuggler-Union, or Tom Boy, then I would have absolutely no fear of the 8-hour law. The amount of money paid by them for labor is a mere bagatelle compared with the amount of money produced by the mines. But with some of the mines it is all they can do to get along at all, and this change would have a tendency to discourage the development of the mines, and the development of the country would be stopped in that way.

Q. Before this bright prospect came about the employers were paying the present scale, were they not?—A. There has been practically no difference in the scale in the State.

Q. You don't suppose they were paying that at a loss, do you?—A. Some of them were. It is only temporary where they have been doing that. Some of the mines I have in mind now are not doing anything. I should say there are 10,000 men out of employment here at the present time, pending the settlement of this controversy. I think that is a conservative estimate, not including the smelter employees. I am speaking about the mining districts.

Q. Your opinion is that they were not justified in calling for 10-hour pay for 8-hour work?—A. Yes; they would come to that when the mines are developed. That is one of the things that is very hard to explain. At Aspen, on these big mines, when they are developed to a certain point they come to 8 hours. They

will all come to 8 hours as soon as they can, but there is a time when they can not do it, and that time is the present with a good many of them. Now when a mine gets to a certain point, where they are able to take out $10,000 or $15,000 a month, and their operating expenses are such as to leave them a large margin, they cut the shift to 8 hours. But they have to reach that point where their operating expenses and their output will allow them to do that, otherwise they can not run at any profit.

Q. Is the difficulty now so much in the mines as it is in the smelters in regard to the wages for hours?—A. I don't think so. It is largely in the smelters, and I think if the matter had been left alone the smelters would have been able to adjust their difficulties with the men, and I know that they would in the mines.

Q. What do you mean by "left alone?"—A. If there had been no law passed—if there had been no agitation about it—there is no reason why the smelters should be shut down now. The time for the trouble would have been when the supreme court decided whether this law is constitutional or unconstitutional. It is simply brought about by agitation.

Q. Is not the main cause for the smelters being shut down the fact that certain employers will not recognize the union?—A. I could not say as to that. I think that probably had some influence, but I don't know.

Q. Do you believe that if they could get together on that question the smelters would start up?—A. Yes; if they could get together on it.

Q. And it is a question of the recognition of the union?—A. Yes.

Q. (By Representative BELL.) On page 9, industrial and remedial legislation; employers' liability laws.—A. We have an employers' liability law on the statutes of the State, and I believe under its provisions if a man is hurt in a mine by some mechanical appliance while under the direction and control and operation of the company the company is liable for 5 or 6 thousand dollars' damages; but that the company is not liable if he is hurt through the carelessness of a coemployee.

Q. In other words, it is but a declaration of the common-law principle?—A. Yes. It is made inoperative by amendments enacted into it at the time it was passed.

Q. And the question of contributory negligence always arises?—A. Yes.

Q. And where there is negligence on the part of a coemployee it permits the owner to escape responsibility?—A. Yes.

Q. And if he is hurt by reason of defective machinery then the company is responsible?—A. Yes.

Q. Without contributory negligence?—A. Yes.

Q. What is your suggestion as to an employers' liability law? In other words, do you think it is fair to the employee to say that he shall have no voice in the employment of his coemployee and be held responsible for his negligence?—A. As a moral question I should say no.

Q. Should not the law follow the moral aspect of it?—A. I think so. If it could be framed in such a way that it could not be abused, it should.

Q. Have you any suggestions to make on that subject?—A. I don't think I have. The matter has been fought over three or four times and it seems we can not get at it. There should be a just and equitable distinction between the two.

Q. Has not your failure always been on the idea of excessive damages?—A. Yes, I think it has been.

Q. But you can see no reason why the man who employs all of his laborers should not be responsible for the acts of the agents that he selects himself, in a reasonable degree?—A. Morally he should be.

Q. Well, the law should follow the moral aspect?—A. I know it. But I don't want to pass on the legal part of it. I would want to read the law first in order to justly comprehend it.

Q. What do you say about sanitary and personal safety laws of the State?—A. The last legislature, in regard to metalliferous mining, passed some excellent laws in relation to the sanitary features of mining and the personal safety of the men employed in the mines.

Q. Do you think them sufficient?—A. No; but it is a step in the right direction. We have never had such a law in the State before this. It was simply a custom in each camp that certain things should be done, but this law divides the responsibility to a certain extent. Under the law the operators have to do certain things, and the employees have to do certain things.

Q. No. 64; regarding the employment of children.—A. Employment of children in the mines is prohibited by statute as to all children under 12 years of age.

Q. School laws in the State—I admit with you the superiority of the public-school system, but is it not your opinion that our public schools should be directed more toward manual training and teaching the children the mechanical arts?—A. Yes, most decidedly; the mechanical arts and military discipline.

Q. Don't you think we have neglected that in all States, including our own?—A. Yes.

Q. We try to teach the infant to read and write when he has no interest in the subjects he reads or writes about, when, if we would teach him to farm or instruct him in the mechanical arts, he would become interested in learning to read and write, because he would have something to read and write about?—A. Yes.

Q. You have no convict labor in mining?—A. No. I think we should have to a certain extent, so far as it did not compete with other labor. I think certain classes of labor should be utilized, and the convicts thus made self-supporting to reduce the burdens of taxation to a certain extent. It would be best to have no convict labor come in contact with what we call white labor or free labor.

Q. But it should be used in the places where in the development of the country the ordinary employment would not go?—A. Where it would never enter, yes; for instance, building a tunnel down to the Gunnison River.

Q. That would not be remunerative?—A. Never would be remunerative, but would open up to production a vast area of country.

Q. Would make many new homes?—A. Yes, from 2,500 to 3,000 people could have homes, and probably it would open up a country that will never otherwise be opened up; and it would cost no more to support the convicts in doing that class of work than it costs where they are. And work of that character, that would not compete in any manner with other labor, I am very much in favor of having done by the convicts.

DENVER, COLO., *July 14, 1899.*

TESTIMONY OF MR. D. C. COATES,

President of the Colorado Federation of Labor.

The subcommission on mining met at 10 a. m., Hon. John C. Bell presiding. Mr. D. C. Coates, being duly sworn, and examined on the topical plan of inquiry on mining, testified as follows:

Q. (By Mr. RATCHFORD.) Please state your name, address, and occupation.—A. David C. Coates; printer; Pueblo, Colo.

Q. Any connection with organized labor?—A. President Federation of Labor of Colorado.

Q. How long have you served in that capacity?—A. In my present position since the 8th day of last June.

Q. And prior to that time?—A. I was secretary of the organization for two years.

Q. Before which time you worked at the printing trade?—A. Yes; and am working at it to-day.

Q. You are working as a printer to-day, are you, in connection with your duties as president of the federation?—A. Yes. I run a little newspaper. The president's position is not a salaried position and consequently I have to work for a livelihood.

Q. How many officers are employed for that organization in this State?—A. There is no one regularly employed. The only man who has a regular salary is the secretary, and he gets $25 per month for his clerical work. That is the only salaried position. The officers, when required to do work for the federation, receive a per diem of $3 per day and their expenses.

Q. How old is this organization?—A. It was organized in Pueblo May 1, 1896; a little more than 3 years of age.

Q. What trades does it embrace?—A. All organized labor in the State is eligible to membership in the federation.

Q. Regardless of their calling?—A. Yes. Its scope is to take in all producers of wealth.

Q. What is the strength of the Federation of Labor?—A. It amounted to somewhere in the neighborhood of 15,000 or 16,000 members. That is my recollection.

Q. Would you care to outline the work of that organization, dealing with its constitution and organization, its benefit features, etc.?—A. It is organized of course to bring the wage-earners of this State together for their mutual benefit and protection. The advantages in the way of strike benefits and the benefit of federation and strength are bringing the whole of the wage-earners into one order.

Q. Have you any benefit features?—A. As a federation, no; except that in strikes or anything of that kind we have a system whereby we can levy assessments for benefits upon a referendum vote.

Q. Do the unions affiliated with that federation have that benefit feature?—A. Yes; nearly all of them.

Q. That is, out-of-work benefits?—A. Yes.

Q. Strike benefits?—A. Yes; funeral benefits—there is scarcely a labor organization in this State or the United States practically that does not carry these benefits.

Q. You spoke of the purpose of the federation being to bring the workers closer together. Does the commission understand from that if one or more of the trades affiliated with you are involved in strikes or other labor troubles, the affiliated trades are amenable to assistance?—A. When called upon, yes.

Q. And it must be by referendum vote?—A. Yes. Our constitution in that regard says the executive board has power to levy an assessment not to exceed 10 cents per week for 5 weeks, then we have power to levy a 50-cent assessment if we wish to, but upon that we have to submit it to a referendum vote.

Q. Ten cents per week for 5 weeks?—A. Yes; 50 cents.

Q. Does your executive board often avail itself of that power?—A. Only once in the history of the federation has it been necessary.

Q. What have you to say as to the growth of the federation or the trade unions of your State?—A. Within my knowledge of the last 10 years in this State we have had a continual growth, and we are in a better-organized condition to-day than ever.

Q. What was your membership at the time of the organization?—A. It is very hard to say. I think the unions that were represented in the convention at the first meeting had about 3,000 or 4,000 membership.

Q. Do you find that your organization increases its membership or otherwise during periods of strikes and controversies?—A. It has the effect of increasing, so far as those who are immediately involved in the trouble are concerned, and it has no adverse effect upon the others so far as I can see.

Q. In such cases do the new additions to the organization remain members after the troubles are adjusted?—A. I can only say that a percentage of those who become members during such periods do not understand the organization or the benefits to be derived, and quite a large per cent of those usually drift outside of the organization; on the other hand a good many realize the benefits of organization of labor and stay with it. I find generally that there is an increase.

Q. Speaking in general terms, you have a good healthy growth of trade unions?—A. Yes, especially in Colorado.

Q. What is your opinion as to the incorporation of trade unions?—A. We have not found it necessary to incorporate, and I see no benefit.

Q. Has that question been agitated any in your State?—A. Not that I know of.

Q. What are the relations of your organization to nonunion labor?—A. Our purpose is the complete organization of labor, and every inducement is offered the nonorganized to come within our ranks. It has never been necessary in my experience as an officer of the federation to take any action other than to show the benefits of the organization to bring them within its ranks. Of course the sentiment of trade unionism largely permeates the unorganized, but the fear of losing their positions or being blacklisted keeps a good many out. The blacklist is used very largely in Colorado, or such a large percentage would not remain outside of the organizations.

Q. Is there any intimidation or coercion brought to bear by your organization to bring men into its fold?—A. None whatever.

Q. No threats?—A. No. We have nothing but the benefits to induce them to come in.

Q. In case of a strike, where a part of the men affected belong to the organization and another part do not belong, does the organization control the members and nonmembers?—A. It only controls its members. In case of a strike or intimation of one, or a condition arising that might result in a strike, the union involved is required by our constitution to give out notice of the same to the executive board, which is required to investigate the matter and bring every possible means to bear for a peaceable settlement; and if it is not adjusted, and it is the desire to continue the strike, we control everything along the policy outlined by the executive board.

Q. And in case part of the men affected by the proposition which may give rise to a strike are nonmembers, do they continue working or do they suspend with your organization?—A. I should say in 99 cases out of 100 they suspend. They see the same causes which compel the others to strike, and while they might be a little timid about joining the organization, when the question comes to strike they nearly always suspend with the others. And when the trouble is adjusted it is generally satisfactory to them.

Q. The adjustment is acceptable to the nonmembers?—A. Yes.

Q. As to the right of liberty of contract, has your organization at any time

denied this right to anyone?—A. It is unusual for a member of organized labor to make a contract. Nearly all the organizations outline or fix the wages that the member shall receive, consequently they act as a body rather than individuals.

Q. We are aware that within the ranks of your organization this question is one that never arises, but among those who are not members it has arisen in some cases, and the commission would like to know the attitude of your organization in such a case. I take it that in some cases nonmembers will negotiate individual contracts. In such instances is your organization silent, or does it bring a moral pressure to bear upon them against making such contracts?—A. Only in the way of trying to induce them to come into the organization.

Q. By moral suasion?—A. Yes. In many of our organizations—in all of them, in fact—there is a scale of wages, but it don't prevent the members from making individual contracts upon the conditions outlined by the organization.

Q. But collective bargaining is your purpose?—A. Yes.

Q. What have you to say as to unskilled labor in the different trades?—A. They compose the great mass who are unorganized, but we are gradually getting these men into the ranks of organized labor, and organized labor in many instances has done most beneficial work in bettering the condition of the unorganized, whether in the organization or not. For instance, there are very few statutes in Colorado in favor of the laboring man but what have been induced by organized labor; such as the 8-hour law and the $3 pay for common labor.

Q. What class of people go to make up unskilled labor in your State?—A. We have a mixture; all nationalities.

Q. Are they English-speaking people as a rule?—A. The large mass of common labor in this State is composed of Austrians, Swedes, and Italians.

Q. They are known as the non-English-speaking class?—Yes; largely.

Q. As these men become skilled and familiar with our language and our customs and methods of business, do they incline more or less toward the organizations?—A. More. Recently we have organized a number of unions of which probably 90 per cent of the membership is made up of foreign-speaking people.

Q. As to strikes, arbitration, and contract labor; enumeration of the causes leading up to strikes; what have you to say in regard to that?—A. Well, to my mind, the great reason for strikes is the competitive system—the competitive system of doing business, making a continual war between the wage-earner, the producer of wealth, and the employer. The employer is continually striving for profits, and the wage-earner is striving for a greater portion of the share of his product. While this is the underlying cause, there are many other causes that come up and result in a strike. I find recently that it is the tendency to introduce machinery to displace men, thus making two men do three men's work. Such rules and regulations are put upon the men as to economize in the operation of large works and to render greater profits to the owners. On the other hand it is the organization that educates the men to realize that they ought to have a fairer share of their product.

Q. If our competitive system be the underlying cause of strikes, what remedy have you to suggest?—A. The only solution of the warfare between the producer and the nonproducer, or the employer and the wage-earner, is a complete change from the competitive system to the cooperative system, or public ownership—that is, the State placing the means of production and the means of enjoying that production in the hands of the individual citizens. That is largely along the line that organized labor is working. The great principle of organization is to remove the wage-earners from competition with each other, substitute the cooperative system for the competitive system, and remove the wage-earners from the competitive state to the cooperative state.

Q. Is it the purpose of organized labor to eliminate competition so far as employment and wages are concerned and stop there, or do they purpose going further?—A. They go further. There are a good many questions besides wages that enter into the conditions that tend to make the life of the employee more pleasant or more miserable. They have a good many questions to deal with other than wages.

Q. But the elimination of competition as between workingmen in the different States and different industries is one of the main objects?—A. Yes, you might say the principal object.

Q. Now, if competition is eliminated in the market in which laboring men expend their wages for the necessaries of life, what do you believe will take its place?—A. I apply the same thing to that as I do to the other—the cooperative system.

Q. The same will be good there?—A. Yes.

Q. What have you to say as to the economic results of strikes and lockouts?—A. I believe they are good to everyone except, possibly, the great capitalists.

Q. Please explain the beneficial results.—A. I believe there have been beneficial results in strikes. It is true that temporarily they bring a cessation of employment and possibly bad conditions for a time, but the ultimate result is good. It has a tendency to increase wages and otherwise better conditions, and make men educated more firmly and clearly as to their position and as to the conditions of their employment.

Q. Does the strike increase wages?—A. In my experience, yes. I think that if it had not been for the strikes of the past, neither organized nor unorganized labor would be receiving the wages that are received to-day.

Q. Strikes usually occur because of the wage difference between the employer and employee?—A. Yes; largely. There are also other conditions. The present strike in Colorado to-day between the smelters and the men, I believe, is largely due to the fact that the men believed that the smelter trust was trying to rob them of the benefits of the new eight-hour law. We got that from the notice that they placed in their works throughout the State a few days previous to the coming into effect of this law, the first paragraph of which had a tendency to lead the men to believe they intended to evade the law and its benefits by offering inducements to work longer than eight hours.

Q. You are speaking of the law recently passed by your legislature?—A. Yes; known as the eight-hour law.

Q. Is that measure responsible for the present strike?—A. No, not the measure, but the refusal of the smelter trust to live up to its provisions and allow its humanitarian effects to become practiced.

Q. Does it apply to all other industries or just to the smelting industry?—A. It applies to mining only—work in underground mines, both metalliferous and coal, and smelters and institutions for the refining and reduction of ores and metals.

Q. Is it generally observed throughout your State?—A. I know of no instance where its observance is not practiced, except in the smelter trust, at the present time, or rather in the smelters of the American Smelting and Refining Company. There was a large percentage of our people—I mean by that, organized labor—who were working 10 hours a day in many mines and mills in this State previous to the coming into effect of this law, but in no instance do I now recall where there has not been a satisfactory arrangement made to carry out the provisions of this law, except in the smelters mentioned.

Q. If the working people of your State to whom that law applies would cease work, for instance, until its terms be complied with, what, in your opinion, would be the effect of such a demand? I mean the entire State, where the law is not observed.—A. I believe it would have the effect of compelling its observance, and consequently would have a beneficial effect upon the workingmen of this State in the way of shortening the hours of their arduous labor, in the way of putting more men to work and giving them more opportunity for education.

Q. Will you explain the advantages of the law in this and in all such cases where laws are enacted intended to bring about certain things, where a strike must be inaugurated in order to have such laws complied with? The law itself is not enough to give the advantage it seeks to give, and unless supplemented by a proper spirit, where is the advantage of such a law?—A. So far as I am personally concerned, I have very little faith in the efficacy of these laws, except where there is an organization to enforce them. I think unless we have an organization behind these laws they are evaded in a thousand and one ways, and consequently the wage-earners and those intended to be benefited by the law lose the benefit.

Q. And if you have such organizations in the absence of laws are you not able to obtain the same results?—A. Yes, and usually better.

Q. What are your methods of strike?—A. They are various.

Q. How are they inaugurated?—A. Of course, the form they go through is just as I have said. When a condition arises that might result in a strike it is discussed by the local unions affected, and by a two-thirds vote the position of the union is declared, and it is then submitted to the executive board of the State federation of labor; and nearly all the local unions belong to the national organization, and it is also submitted to them, and the strike or nonstrike largely results from the position that is taken by the executive board and the executive officers of the national organization.

Q. Is it inaugurated by a two-thirds vote of the membership?—A. Yes, and in some cases by a three-quarters vote.

Q. How is it conducted?—A. There is usually elected what is known as the executive committee, or strike committee of the union, in whose hands are placed all the details of the strike, and they are required to enter into negotiations with the opposing forces and to keep continually getting everything that is new on the situation. Before they can take any final action, however, they are compelled to

report back to the whole body. They have the various strike benefits from their national or State federation that sustains their strike.

Q. Is law and order observed during the strike?—A. Yes; that is the first principle of organized labor.

Q. The leaders advocate it?—A. Yes; always. We realize that in no other way can we be successful.

Q. Is the boycott ever resorted to?—A. Yes.

Q. Why should it be?—A. It is a natural law, I should think. When a man finds someone else is opposing him in his desire to better his condition, nd that man runs a store, he refuses to patronize him. He finds he is opposed in a good many ways, and he simply thinks he is doing to others what he thinks they are doing to him.

Q. That is usually known as the boycott in organized circles?—A. Yes; and each union takes notice of it. It can be general or otherwise.

Q. By what terms is it known by others outside of the union; is it known as a boycott?—A. Yes.

Q. Sympathetic boycott?—A. Yes.

Q. You believe it is a natural law?—A. Unquestionably.

Q. (By Representative BELL.) I would like to ask you if there is not a law in this State against boycotting?—A. Yes.

Q. Associated with a law against blacklisting?—A. Yes.

Q. Has it had a tendency to prevent it?—A. I don't believe there has been but one or two attempts by organized labor since the passage of the law to do anything but observe its provisions, and these one or two instances have always been in extreme cases. And I find that the other part of the law has no effect; wage-earners are blacklisted from one end of the State to the other.

Q. Do you make the statement that the blacklist is still used?—A. Yes.

Q. Can you state to the commission the names of any parties who have ever practiced it in violation of law?—A. I can mention names, but I could not prove it. I could mention a good many names, but I could not prove it. I know from my own experience that men are kept from positions in all parts of the State of Colorado because of their connections with organized labor, and yet we have a statute that tends to prevent discrimination because a man belongs to organized labor. In the present instance, in this strike, we have men who are threatened with discharge, even by persons who have but a remote interest in the matter, because of their position with regard to organized labor.

Q. What other methods are employed by either side to influence the results of the strike?—A. Of course, I can not say what the methods are that are used by the capitalist side. They are very secret. That is one advantage they have over us; they have their system perfect, and all of our dealings with a large mass of people don't enable us to have such a perfect system, and largely the methods we use become public; we have to make them public, and we have to depend upon the public sympathy or sentiment; whereas the other side have very great power—the employment or nonemployment of the men. They practically have the power of saying that a man shall not have work; to destroy his credit with the merchants; to destroy or make valueless what little property he has; to separate him from his family and make him a wanderer upon the face of the earth; in fact, they have every power that can be given to man. They compel men to cease their connection with organized labor and to return to work.

Q. Have you had any sympathetic strikes?—A. Not lately. I have not known of any.

Q. The importation of new or foreign labor under contract; have you any instances of that in your State that has come to your notice?—A. Yes, the Colorado Fuel and Iron Company has imported under contract a large number of negroes from the Southern States into their works in the city of Pueblo. They had a large immigration from Missouri into the State during the Leadville trouble in 1896 under contract. There were attempts made to the same end in the northern coal strikes last year.

Q. How recent were these men shipped in that you mentioned first?—A. All these came in within the last 6 years.

Q. When did the last come in?—A. I think the last lot came last fall. They continually come in.

Q. Have you any laws in your State forbidding it?—A. I don't think we have.

Q. Do you care to express an opinion as to the advantages or disadvantages of this practice to your State as a whole?—A. It is detrimental to the State and to the best interests of the State. It is detrimental to these men who are displaced by the importation—men who have been employed in these works and other places or many years and have built up permanent homes, or what they think permanent

homes. As a result of this importation of cheap labor—it is always cheap labor, labor that agrees to accept the terms and conditions of the companies, whatever they may be—they nearly always make provision for the displacing of organized labor, and that means the removal of those men who have been there for years. It is detrimental to the best interests because they have a tendency to reduce wages in all instances. In many cases you will find that men who are willing to be imported to take the place of men who are on strike or otherwise, who are willing to sign these contracts with the companies, are usually the ignorant classes, and they are a detriment to any community into which they come. The condition in our city and county, with which I am more familiar, is such that the county to-day is under a greater expense, in the way of criminal prosecutions and public charity and matters along that line, as a result of the importation of the ignorant, vicious classes, in many instances.

Q. Have you any means of knowing how these men are secured or employed?—A. Yes. The companies send agents out very often, I believe, or get local agents to employ men; but the best method they find, I believe, is to send a personal representative into these districts and make all kinds of promises.

Q. Go to other States?—A. Yes; and make all kinds of promises. They get hardened to misrepresenting the true condition of affairs in order to induce men who are out of employment to go where there is employment, especially where they assure them of what they call permanent employment. It is only permanent so far as the company can use them, however.

Q. Do you not believe that these men are contracted for outside of their own State?—A. I don't know as to that, but I think the companies write to their locality and make the contract right there.

Q. Wherein does the effect of that system differ from the effects that might be brought about had these men been contracted for in a foreign country, if any?—A. There is very little difference, only in so far as the men who are contracted for in the United States are usually a little better educated, on a little better plane of intelligence; that is about the only difference.

Q. Are they English-speaking as a rule?—A. No; they are not. There are very few Americans or English-speaking people that you can get to make a contract to take some one else's job.

Q. How can you account for that statement, then, as to their intelligence?—A What I meant by that is simply this, that the foreign element in the United States have come in contact here with better facilities for education and understanding their relative position as to other wage-earners—better than they do in the foreign countries; consequently they are on a little higher plane of intelligence than the foreign importations.

Q. Have you any trouble in this connection with the colored labor?—A. Yes. There has been such a hue and cry against foreign importation that instead of doing that now the large companies go to the Southern States and get the poor, ignorant negro and are using him for the same purpose as they did the foreign importation.

Q. What remedy would you suggest for this evil?—A. It is very hard to suggest a remedy other than I tried to convey—that is, to remedy the whole condition. A man must live, whether in the South or in the North, and it is very hard to say that any man shall not come into your State; but I believe there ought to be a law passed whereby companies should be prevented from importing men to take the place of strikers.

Q. To make the records clear on that, do you believe that such a law ought or ought not to apply to men who come of their own volition from any other State?—A. No; I would not favor a law preventing anyone from voluntarily coming into the State.

Q. But to prevent those coming under contract?—A. Yes. In any instance where we find a man who is influenced by contract or otherwise he should be prohibited.

Q. As to conciliation, mediation, and arbitration under State law or by joint committees, what is your position upon that subject?—A. They are two great principles of organized labor, conciliation and arbitration, and they are always used in every instance to their fullest extent whenever there is a strike.

Q. Used with good effect and with good results?—A. In fully 75 per cent, and often a larger percentage than that, of the cases. In fact, most of the differences, except where it comes to a great corporation, are settled by arbitration and conciliation between employers and the committees of the men.

Q. Do you believe that arbitration should be compulsory or voluntary?—A. I see very little benefit in voluntary arbitration. It has been used beneficially to a certain extent. Arbitration, in instances, is beneficial. I have not made up my

mind whether I favor compulsory arbitration or not. I don't care to express an opinion. I want to get rid of the whole system that continually makes war between these two forces. But I don't think, so long as the condition exists where arbitration is necessary, that we will get it.

Q. Is the injunction in strikes sometimes resorted to in your State?—A. Yes; and it tends, in nearly every instance where the injunction has been used, to take the little liberty that is left away from the wage-earner. It nearly always makes him powerless and at the mercy of the people who secure the injunction.

Q. For what purpose is the injunction or restraining order usually issued, enjoining men from commission of crime?—A. It is used before he ever thinks of committing any crime. It usually places him in a position where he is branded as a criminal by the injunction.

Q. Is he enjoined from attending meetings or trespassing on certain properties?—A. Yes. During the northern coal strike last winter in the State of Colorado there was an injunction issued to restrain men from congregating in numbers or going on the property of the companies.

Q. Was it an effective remedy?—A. No, not so far as prohibiting meetings was concerned.

Q. No arrests for its violation, that you can recall, or no arraignments?—A. I think not. Of course it was a clear violation, but I don't think anyone went so far as punishing anyone for holding meetings.

Q. How do you regard that system?—A. I believe now the present law of the United States and various States and Territories is to prohibit the indiscriminate use of injunctions, or at least that has been proposed in the past few years by the law-and-order league; but it seems that they use it just as they see fit, or as in their own judgment they see fit, regardless of the law.

Q. Do you believe it is a proper remedy if properly applied?—A. No; it is not any remedy at all. It tends rather to incite the feeling among the men that they are being forced into absolute slavery, and they will not submit to it; it tends to make them rebel.

Q. Do you believe in the use of injunctions, when properly applied, to restrain parties from the commission of crime, when there is reason to believe that crime will be committed; if there is reasonable evidence to show that such is the case; in such case do you believe that men should be restrained by the courts?—A. I believe that they should.

Q. You believe that they should?—A. Yes; if there is any evidence that a man is a criminal then he should be restrained from the commission of crime.

Q. It is not the injunction, then, but the abuse of it that you oppose?—A. Yes. It has been abused awfully, and its tendency is just the other way, as I have explained. I don't believe you can find a sentiment against the taking or restraining of a man who makes it evident that he is about to commit crime, or shows a tendency in that way. I have no sentiment against that at all; but the abuse of the injunction in recent years has made the whole scheme, the whole system, detestable.

Q. What is the general system of payment in your State?—A. Largely by the month.

Q. Cash payments?—A. Some, and some not. There is a good deal of scrip used in the State, especially by the Colorado Fuel and Iron Company—store orders, and such things as that.

Q. What have you to say as to the advantages or disadvantages of monthly payments?—A. It is too long between payments for labor performed. In fact, the monthly payments in a good many instances are so far apart that it is usually 5 or 6 weeks before the pay comes to the employee, and it is too large a proportion of his wages to be retained for that length of time, and it puts him at the mercy not only of the company store, but also at the mercy of the individual merchants, who charge an increased price for their goods for fear of loss, and also a larger percentage of profit for the length of credit, so that it operates in many cases against a man. It would be otherwise if he had weekly or biweekly payments. It has a tendency to reduce his wages, from the fact that he is not able to buy on equal terms with the man who receives his wages weekly or biweekly.

Q. The sliding wage scale; have you any such wage scale in operation in your State?—A. I believe not; not to any extent.

Q. Have you a minimum wage scale?—A. Nearly all the organizations fix the wage scale themselves.

Q. Only as fixed by organizations?—A. Yes. Each has a tendency to fix it for all the men employed in its vocation.

Q. What have you to say as to the advantages of the sliding wage scale, if there be any advantages?—A. I could not say much about the sliding wage scale. My

limited experience in that matter is that its tendency is detrimental. It has a tendency to urge a man to do more than he should do for his own physical condition, to avoid getting a number of other men to do a part of the work. The result is that in a short time a man is incapacitated from doing hard manual labor before his time.

Q. (By Mr. KENNEDY.) I will ask you about that statement of yours in regard to the minimum wage scale. You say nearly all organizations have a minimum wage scale. Is it not true that many of the organizations have but the one scale, which might be called a fixed scale, and have that as the minimum and maximum scale?—A. It is considered as the minimum. No one is prevented from getting more, but they are prevented from getting less. It is a scale set by the union for that work.

Q. It is a fixed scale?—A. Yes. You can make more, but we insist that you shall not work for any less, and in many instances they do pay more.

Q. (By Mr. RATCHFORD.) In speaking of the sliding scale, I rather think that you have not grasped its meaning. There is nothing in the sliding scale that imposes any additional duty upon a workman, as you seem to understand. A sliding scale simply means that the wages—we will say, for instance, of a coal miner—shall advance and decline according to the advance and decline in the price of a ton of coal?—A. We have not these conditions here. What you would call a sliding wage scale I have no knowledge of in this State.

Q. (By Representative BELL.) As to the living wage—the standard of living—have you anything to say in that connection?—A. Well, I believe we have reached that condition where the large mass of the producers of wealth are getting a wage barely sufficient to keep them in a decent, respectable condition, and a good many of them don't get enough to keep them in a decent, respectable condition, and at the end of a year a man can not produce any surplus for his year's work. A large number of them are in debt and are prevented from losing a day's work, and there is no opportunity for a man to take a rest or a few days off in the heated portion of the summer, or anything of that kind. Whereas on the one hand the public officials and men who can travel, men in offices, etc., are taking periods each year for vacations, the ordinary wage-earner and the producer of wealth has to stay at his task the year round in order that he may not run into debt or lose his job. He can not get away at all without losing his position.

Q. What effect has high or low wages, as the case may be, on the standard of living, standard of morals, and standard of education and intelligence?—A. Low wages in every instance have a detrimental effect. The higher the wage a man gets, the more opportunities he has to improve himself, and he does improve himself. The condition of well-organized labor is much better than the unorganized; their wages are better, their organizations are sacred, and the men who are unorganized are getting what we would call barely a living wage. I find they are building up libraries, free reading rooms, in nearly all of our organizations, and we find we are sending our men into public offices, and that they make the best citizens in the community, where we find no such instances on the other hand—that is, in unorganized labor.

Q. Have you a system of payment in your State that is known as the store-order system?—A. Yes. The Colorado Fuel and Iron Company uses the store system and scrip system in nearly all of its mines in this State.

Q. Any other companies that you can enumerate?—A. Well, there are a few independent companies that have been using it up to the passage of this law, but I rather think that the independent companies are dispensing with it.

Q. Is it practiced elsewhere besides in mining companies? Is it practiced in all industries?—A. Well, the only instance that I know of where there is a company store outside of mining is at their steel works in Pueblo. They practice it to some extent there.

Q. How do you regard the system?—A. It is altogether wrong from the wage-earner's standpoint.

Q. Why?—A. It compels him to trade at the company store, and he does not get the advantages of the market in many instances; and they charge him the highest kind of a price.

Q. Does he deal there of his own volition and pay these high prices?—A. No; I don't think he does. They try to make them believe it is of their own volition, but every one knows of his own experience that it is not true; that there is a coercive power there.

Q. You believe on the whole that it is detrimental to the workers?—A. Yes; not only to the workers, but also to the general business interests.

Q. How does it affect competing employers who have not this system in connection with their works?—A. It has a tendency to make them reduce wages,

because they don't get the advantage of the profits that the companies which own stores get, and it puts them at a great disadvantage.

Q. Is the tenement house used usually in connection with the mines of your State?—A. Yes; the company houses; they are not known in this State as tenement houses; they are not houses; but usually cabins, separate from each other, that the men are required to live in, and you can not live, in some parts of the State, in anything else, because of the advantage the companies have by the rent, and because they will not sell out to anyone, and the employee is at the continual mercy of the company; and if he happens to get discharged or discontented with any of the conditions, all they have to do is to refuse to rent him a house any longer; they simply discharge him and he must go.

Q. In the case of strikes, how are the employees affected who are living in company houses and trading in company stores, as compared with those who are free from such influences?—A. Well, they are continually at the mercy of the company, just as I have said, and they are compelled in a short time to go back to work or leave the community, whereas the others who are free from these influences can be maintained and are usually maintained, and they get some benefit from the strike.

Q. Are the rents reasonable in the company houses?—A. It is pretty hard to say, only in instances where a man can rent a private residence in the city of Pueblo, and where an employee of the company is not compelled to live in the company houses. The rents are fair when compared with the others. But in other Colorado camps I think, from the wages the men get, that the rents are unreasonable.

Q. Do not the employers find it convenient sometimes to build company houses adjacent to their mines in order to find men to operate the mines, and is not the same true of stores also?—A. They say they do. That is their side of the story, but I doubt it, because the men in instances in my experience have protested against that very system.

Q. If such stores or tenement houses were not built by the coal companies, is it your opinion that other men would go in there and build stores and the miners would build their own houses, or that other companies would build them and run them? Do you believe that the coal companies would suffer if they abandoned that practice?—A. No, they would not, except in the matter of the profits gained by this system.

Q. They would not suffer on account of a shortage of labor?—A. No.

Q. Have you anything to say as to fines and penalties applied to workingmen who are charged with violating the rules by sending out impure material, etc.—A. If you mean by the employer on the employee, we have very little of that here. There are some instances of imposing fines upon employees for possibly not turning out as good an article as they should, or destroying an article while making it; but there is very little of that in the State of Colorado.

Q. The difference in wage scales in the different sections.—A. I think where there is a large difference in the wage scale it is largely due to the cost of living, where separated from the ordinary benefits of large communities or something of that kind.

Q. You have such differences, have you?—A. Yes, in the isolated camps of this State, in both metalliferous and coal mines, where better wages are paid than in the cities. Rents are higher, food is higher, transportation is higher, and of necessity wages must be higher.

Q. Relative rate of wages compared with any previous time you care to refer to, 10 or 20 years ago.—A. Well, there has not been very much difference in the State of Colorado. Organization has been fairly well in the chief industry of the State, mining, and that has had a tendency to keep the wages up to what they were a number of years ago. There has not been a great deal of difference in the wages paid in this State.

Q. What is the relative social condition of labor to-day compared with that time of which you speak?—A. It is bettering as we organize.

Q. Is it still improving?—A. Yes, has a continual improvement where the men are brought together.

Q. Intelligence and education advancing?—A. Yes. There are very few of our organizations but what have public meetings, say once a month, for educational purposes. We have libraries, reading rooms, and such things as that, and generally the social condition and intelligence is improving.

Q. Are these libraries and reading rooms supported by your unions?—A. Yes.

Q. The influence of organized labor on wages, do you care to say anything on that?—A. Yes, the influence is always to increase wages.

Q. The effects of the employment of children.—A. The effect of the employ-

ment of children is to stint them not only in growth and physical development, but also in intellectual growth, and denies them the opportunities of education in the public schools, and to fit themselves for a better condition in the future. We are opposed to the employment of children for that reason and others. So far as the effect on adult labor is concerned, it has a tendency to throw out adult labor, and instead of the father supporting the family the children are sent out to support the father. The army of unemployed adults is increased by the employment of children.

Q. What part has machinery played in the employment of children?—A. It has increased the employment of children in many instances, where a child can attend the machinery and practically perform the same labor that an adult has performed. The child has taken the place of the father in many instances.

Q. Without machinery it would not be possible?—A. It would not be possible. The employer gets all the benefits and the father tramps the streets.

Q. Causes of irregularity of employment; I take it that you assign this as one of the causes?—A. Yes.

Q. Are there any others?—A. Yes. There is a tendency to combination in all lines of industry, and the closing of the plants that are not necessary for the economical production of the articles produced, the centralization of these manufactures, and, as a result, these combinations are throwing men out of employment everywhere.

Q. In the early part of our hearing you made reference to the smelters' strike. Under this heading I believe it to be proper that you should be given an opportunity to say anything you wish in connection with it. It is one of the burning questions here, and it is incidental to our mining investigation.—A. Well, I can only reiterate what I have said before, that I believe the strike was largely brought about by an attempt upon the part of the American Smelting and Refining Company in their various plants in this State to rob the men of the benefits of the 8-hour law.

Q. When did this strike begin?—A. The law came into effect on the 16th day of June, and the strike took place upon that day.

Q. What is the difference that has given rise to the strike—the disputed points?—A. I think there is very little difference in either the wages asked by the men or the wages proffered by the company. I think the whole difference is as to whether the 8-hour law shall or shall not be adopted by the trust. I think the reason the employers upon the one side are refusing to come to terms with their men or have been offering a wage that they can not accept is due to the fact that they want to wait until they find out whether the Supreme Court will hold the law constitutional or not. On their side they say if the law is held unconstitutional, they desire the men to return to the 10 and 12 hour basis, and consequently they don't want to offer a better wage or to regulate conditions on the 8-hour basis, because they believe it would prevent the men from going back to work on the 10 or 12 hour basis, should the law be held unconstitutional.

Q. It is largely a question of hours in this controversy?—A. I think it is, largely.

Q. Do both parties seem to be willing to accept the decision of the higher court?—A. I think a decision of the higher court will bring a settlement; yes.

Q. Can you state why it is that if both parties seem willing to make a settlement based upon that decision of the court, or if the decision will bring a settlement, that work was not continued until the decision was rendered?—A. As I say, the men resolved that the 8-hour law must be enforced. The first paragraph of the notice that the owners placed in the smelters was an inducement to work longer, or rather on the same basis. It was practically a refusal of the American Smelting and Refining Company to comply with any or all of the provisions of the 8-hour law, and the men resolved that they would not work later than 8 hours from that time on.

Q. That is, from the time the law was to have taken effect?—A. Yes.

Q. Can you state how many companies are involved in this strike?—A. Outside of the American Smelting and Refining Company there are but 2 independent companies in this State operating smelters.

Q. Is the American Smelting and Refining Company known as the smelter trust in Colorado?—A. Yes. It is the only trust there is in that line.

Q. And there are 2 other concerns involved in the strike outside of the trust?—A. The other 2 concerns are not involved in the strike at this time.

Q. (By Representative BELL.) Did I understand you to say the smelter trust of Colorado?—A. It is the American Smelting and Refining Company.

Q. Takes in all of the smelters in Utah and Wyoming and other places; that is, it goes throughout the whole United States?—A. Yes. It is known in the State of Colorado as the smelter trust.

Q. And not the smelter trust of Colorado?—A. No. It covers Nebraska, Missouri, Utah, and Colorado, and I suppose they have some refineries in the East.

Q. (By Mr. RATCHFORD.) When was this trust organized?—A. It was organized some time this spring in the city of New York. I have not the exact time.

Q. Incorporated under the laws of your State?—A. I rather think it was under the laws of New Jersey, but I am not certain. I could not say as to that.

Q. How many smelting concerns or companies are embraced within this trust, are you able to state, both in and out of this State?—A. I really could not give them outside of the State. I know that there is one in Kansas City—I forget now just what the name of it is; and the Omaha and Grant smelter in Omaha; and I think the Grant smelter here and the Globe smelter and the Pueblo smelter in Pueblo, Eiler smelter in Pueblo, the smelter in Leadville which I think is known as the Bimetallic—I am not quite certain as to that name, either—and the smelter in Durango, and three smelters in Utah, I think, close to Salt Lake City.

Q. You have stated that all of the smelters outside of this trust with two exceptions are now in operation so far as you know?—A. Without any exception.

Q. Without any exception?—A. Yes.

Q. Is it your opinion that if such trust was not formed, if all the smelters were operated as formerly, that this trouble would or would not have occurred?—A. I think it would have been avoided. I don't think there is any question about that at all. I think Mr. Grant's own statement to this commission tends to that belief also.

Q. How do you regard the organization of this trust and smelting industry; do you believe it will produce beneficial results in the end?—A. Only to the stockholders. So far as the general public is concerned I think it will have the opposite effect. It simply puts that industry into the hands of a few men, and, of course, they use it for their own interests regardless of the interests of anyone else.

Q. What are the comparative advantages or disadvantages to the employees as compared with independent concerns; are they greater or less?—A. There are no advantages; the advantages are lessened.

Q. Why?—A. Simply because every man who works in the various smelters is governed and directed the same as if they were in one. If a man becomes distasteful in one plant he is distasteful in all plants, and practically all employment in these institutions is taken away from him and work in them is denied him.

Q. From that I take it that if the industry was organized thoroughly under one head, if an employee became distasteful as to, say, any one concern, he would not be employed in that or any other concern?—A. Yes; where they had any power or influence. They would not only do that, but they would bring influence to bear upon those who had business relations with him and prevent him from getting employment; for instance, the railroads, to which they pay large sums of money for hauling ores and metals, and such influence as that—they would bring influence upon that company, the railroad company, to prevent the distasteful employee from getting employment upon the railroad.

Q. The men engaged in this work are skilled men, are they not?—A. There is only a certain percentage of skilled labor around a smelter. I don't believe it would reach 50 per cent.

Q. Fifty per cent of the men engaged in smelting are more skillful in that than in any other trade, as a rule, from having devoted their whole time to it, are they not?—A. Yes; practically they know no other trade.

Q. Then the question of dismissing any of these men from such trade to any other trade would be a very serious question so far as they are concerned, would it not?—A. It would simply reduce them to the standpoint of common labor.

Q. (By Mr. KENNEDY.) Mr. Guggenheim and those associated with him in the smelter business were yesterday characterized, before this committee, as a trust; are they so regarded by the people of the State of Colorado?—A. No. The Guggenheim interests, so far as the general public is concerned, are owned absolutely by the one family.

Q. The sentiment, then, which has grown up against combinations or trusts is not directed against these interests at all in this State?—A. Not at all.

Q. (By Representative BELL.) Please name the smelters in the trust at Pueblo?—A. The smelter known as the Pueblo Smelting and Refining Company, and the Eiler smelter; these 2 smelters.

Q. About how many men do they employ?—A. Oh, I should say possibly between 900 and 1,000 men.

Q. How long have the leading men in these institutions been running that business?—A. The Pueblo smelter has been running under one management, under the same management it was under when it was combined with the trust, for 20 or 25 years. The Eiler smelter has been built and operated by and under the management of Mr. Eiler for 15 or 16 years.

Q. What was the tendency of the men as to buying lots and building homes—the old employees?—A. I find that the proportion of the smelter workers in the city of Pueblo who built permanent homes is greater than in any other vocation.

Q. Now, taking that as a fact, is it not possible, if not probable, that the smelter trust might at any time dismantle its plants in Pueblo, running all of its ores through its smelters here and at Omaha, Salt Lake, and other points, without doing the company itself any material injury?—A. It is not only possible but it is probable.

Q. What effect would this have upon the employees who have put their money into permanent homes?—A. It will, just as I have said, reduce them to the standpoint of common labor, and if they can not secure that labor in Pueblo they will simply have to move.

Q. What effect would it have upon the employees in the future who might be disposed to build permanent homes for themselves; would it not discourage them?—A. It would discourage them. There is no encouragement for a man to build a home under such circumstances.

Q. Would it intimidate him?—A. Yes.

Q. What is your opinion as to the employees building homes and becoming parts of these great institutions?—A. There is every benefit to be gained by the employee building a home just as there is by any one else. It increases the wealth of the community, and puts the employee in a better condition; in a more independent condition.

Q. What effect would it have on concentrating the manufacturing in great cities and depopulating the smaller places if the employees are discouraged from building homes and the trusts dismantle their works in the smaller places?—A. It would have that tendency.

Q. What effect does that have upon civilization and the social condition of the people?—A. It would have a very bad effect, in the way that it would leave the employees absolutely dependent upon the combinations of capital, and in many ways keep them in a condition that would tend to deny them the privileges that would otherwise come from independent employment or employment in the very small communities.

Q. Has not the combination of business institutions into these trusts a tendency, wherever the least difficulty arises, to shut down the works at one place or another in order that the entire body of men may be brought to a settlement of the difficulty?—A. Yes; that is one of their methods of defeating strikes.

Q. It is really a lever used for the purpose of controlling labor?—A. Yes; they bring these influences on all lines of business men of every character.

Q. Is it your opinion that this is beneficial to society or detrimental?—A. It is only beneficial to the stockholders of the company. It is detrimental to everyone else.

Q. Therefore it is against public policy?—A. Yes; and the business element and the public at large will soon find that out if they have not been able to discern it up to the present time.

Q. I want to ask you whether the tendency is to the equitable distribution of the production of wealth or whether it is toward the further concentration of it into the hands of a few?—A. Every tendency is toward concentration.

Q. Is not the great problem of society to-day dependent upon the more equitable distribution of the products of labor?—A. Yes.

Q. Is not that the act of a higher civilization?—A. Yes.

Q. And all of these trust combinations in control have a tendency to further concentrate and prevent this equitable distribution?—A. Yes; and yet at the same time if that concentration were not in the hands of private individuals, but owned by the State, I believe such concentration would be beneficial to the whole State.

Q. That would be an equal and beneficial distribution?—A. Yes; and yet at the same time we would have the present system of concentration.

Q. The State as a family would own it?—A. Yes; the only detriment in concentration is when the product is owned by private individuals and the profits that come from it go into the hands of the few.

Q. And it is your opinion that if the concentration could be for the benefit of all, and if the labor could be concentrated and every industry concentrated and operated for a reasonable profit and controlled so that the distribution would be equitable, there would be no objection to concentration?—A. No; but all this war between the employer and wage-earner would cease.

Q. Now, I suppose you have read the histories of the great sugar trust, oil trust, and other trusts?—A. Somewhat.

Q. Formed many years ago?—A. Somewhat.

Q. Have you known of their dismantling the individual plants in the smaller

communities and absolutely destroying them?—A. Yes; one in particular, located within 6 miles of the city of Pueblo, where I live. A few years ago the place was quite prosperous; there was quite a large community built up by the placing there of the oil tanks and refinery of the company, after the finding of oil in the Arkansas Valley at Florence.

Q. Was that at the time of the great flow of oil in that region?—A. Yes.

Q. Do you remember what oil was selling for at the time the Standard Oil Company came there?—A. I could not state exactly the price.

Q. Allow me to refresh your memory. Was it not about 55 cents per gallon at that time? That was about 1878, was it not?—A. I could not say as to that.

Q. Do you know what oil was reduced to?—A. I quite well remember that for many days I took out the oil can and got it filled for nothing.

Q. And what caused the rise in oil at Florence?—A. It was the crushing out of the independent companies.

Q. Do you know how they produce oil there now? Do you know that it is a fact that they are limiting the pumping, limiting the quantity produced, limiting the market, and limiting the price?—A. Yes.

Q. And that they are dictated to there at that great distance by the Standard Oil Company?—A. I could not say as to the last, but I know they limit the production.

Q. You don't know the inner workings of the oil trust that forced the production of Colorado into the trust?—A. No, I do not. I was going to say in further explanation to that question you asked about the dismantling of the work: They had a little town by the name of Overton, that was built up quite a good deal; several hundred people lived there, and there were quite a good many stores and business houses, and great big tanks to hold the oil, from which they ran it by pipe line to their works. They had a pipe probably 50 or 60 miles long, and supplied all the mountain cities of the State. But the trust squeezed them out, and to-day there is no one there but the family of the watchman, who is left to look after and take care of the little property that is left that was used in the refining and the tanks.

Q. Do you know why they dismantled the plant?—A. Yes, it was the forcing of the independent company into the Standard Oil Trust, and the closing of it for the more economical running of the plants.

Q. What effect did that have on the price of property around Overton?—A. It practically destroyed the price of property in that community.

Q. Squeeze the value entirely out?—A. It went clear back to ordinary prairie land.

Q. (By Mr. RATCHFORD.) What effect did it have on the price of oil?—A. It decreased the price of land and increased the price of oil.

Q. (By Representative BELL.) Do you remember in 1878 of oil selling for 10 cents per gallon?—A. No. My earliest recollection is about 1880 or 1881. I only know of my earliest recollection about that fight. I was then quite young, but I know the Standard Oil Company peddled oil in the streets of Pueblo and forced the other company to practically give it away.

Q. (By Mr. KENNEDY.) Is the oil business done there in the name of the Standard Oil Company or in the name of some other company?—A. I think it is the Continental Oil Company.

Q. Have you positive knowledge as to whether the Standard Oil Company controls that company or not?—A. I have not positive knowledge, but it is in the combination; there is no question about that.

Q. (By Mr. RATCHFORD.) Do you care to add anything further as to the statement made in connection with the smelter strike? Have you any views you wish to express on the subject while we are dealing with it?—A. There is not much to add, except that it was no trouble to get the independent companies to make arrangements whereby the 8-hour law would be enforced until after the decision of the Supreme Court, and it was only with the trust smelters that we failed to get such a condition of affairs.

Q. (By Representative BELL.) You have had considerable experience in dealing with companies as the representative of labor?—A. In the last two or three years, yes.

Q. What has been your experience as to dealing with the individual or smaller corporation as compared with the mammoth one?—A. There is every difference in the world. You can usually reach the head of the individual concern and get his opinion right there and not through some one else, and when we can get a consultation of that kind it is only a question of time when we can bring a satisfactory settlement; but in dealing with the officers of the combination or trust it is impossible for us to deal with the heads of the organization, because they are

usually in the East or usually in a central location, and when we talk to the local manager or agent of the smelters he simply says: "Well, those are my instructions and I can not go beyond them."

Q. You can not reach the responsible parties?—A. Not at all. You can not get at a man who has the power or the say as to a change in conditions. Nothing can be done unless outlined by a board of directors or the president or something of that kind.

Q. Is it not a fact that the more powerful the institution, the employer of labor, the less powerful is the labor itself?—A. Yes; it is almost powerless.

Q. And the friction in one place is liable to spread over the great mass for the purpose of getting the moral support of all the laborers to settle the smaller difficulty?—A. Yes, and in many instances I think it has pulled a company into a kind of strike or controversy against them.

Q. (By Mr. RATCHFORD.) Is there any objection on the part of your organization for the laboring people of your State and the association of employers to come together for the purpose, as the working men do, of adjusting wages or maintaining the price of their products, and treating together generally?—A. None whatever.

Q. Does your association encourage such an association of employers? Would you prefer to deal with them rather than with them individually?—A. We would rather settle the entire conditions in one avocation in that way, yes. It brings about the same conditions, practically, only in this way it removes friction.

Q. Then there is no objection to an association of employers and coming together for the same purpose as the laborers come together?—A. None whatever. It is usually just the other way. They think they have the right of both combination and as individuals.

Q. Number 5; industrial copartnership; have you any such methods in vogue in your State?—A. Yes.

Q. With what result?—A. It seems to be satisfactory and seems to bring better conditions, perhaps, than where it is otherwise.

Q. Strikes less frequent?—A. Yes; you hardly ever hear of a controversy.

Q. What form is it in?—A. Largely in stores; in the retail stores.

Q. Have you any such system in vogue in any of the producing industries, mineral industries, or manufacturing?—A. I think not in this state.

Q. Have you any other methods of that character?—A. No; the system is not operated to any extent in this State. I only wish it was.

Q. Immigration; the effects of immigration on the employment of unskilled labor and skilled labor on wages; on morale.—A. Of course the immigration of people from one point to another has always a tendency to overstock the market of labor and reduce wages; the companies strive to maintain that.

Q. Are you speaking of foreign immigration?—A. Any immigration.

Q. Is such immigration desirable to the people of your State, so far as you know?—A. Well, of course a man who is injured by immigration, his sentiment is against it, and so far as I am personally concerned I should hate to express an opinion or deny anybody the right to seek employment wherever he wants to seek it. So far as its effect on the moral condition of the community is concerned, I don't know that it has any in either way.

Q. Do you believe it should be to any extent restricted?—A. Only to the extent that I have named; that is, exclude those who are induced to come here to have an influence or bearing upon the industrial conditions. Voluntary immigration, at the instance of the individual—I believe they should have the right to come in.

Q. From where they may?—A. Yes.

Q. (By Mr. KENNEDY.) You know, of course, that the Chinese were restricted because they were considered an undesirable class of immigrants. Do you believe that immigration should be free from all parts of Europe, regardless of whether they will make good citizens or not?—A. I think the sentiment against immigration, foreign or otherwise, has largely been manufactured, because of the importation of large numbers of these people by the corporations in the United States purposely to bring about the state of affairs that they brought; otherwise I don't think the sentiment against immigration would prevail. So far as I am concerned, I believe every human being has a right to wander where he pleases upon the face of the earth.

Q. Do you believe that the pauper and criminal classes of south Europe should be allowed to come freely into this country?—A. I think the facilities for education in the United States would elevate them just as it has many of our own citizens. Largely they don't come of their own volition. They are encouraged to come by the corporations, who know that they can get cheap labor by employing them, and thus reduce the labor of American citizens.

Q. You should be able to speak from the standpoint of organized labor of Colorado; what do you believe the general tendency among them is as to this question?—A. I believe organized labor is opposed to foreign immigration; they have so taken official position.

Q. When you expressed the opinion that you did, it was your own opinion and you were not speaking for the organized labor of Colorado?—A. Yes. I said "personally," when I answered the question.

Q. (By Mr. RATCHFORD.) No. 37; sufficiency of public school facilities. What have you to say in that regard? Are the public schools in your State in sufficient numbers to meet the requirements of your people?—A. Yes, to a large extent. It is true, of course, that the schools are crowded so that we could possibly get in but few more, but generally the school system of Colorado is on a high plane. If, however, the industrial conditions were such that children were not forced to go to work in order to maintain themselves and their parents, the present school facilities of Colorado would be inadequate.

Q. Is there not a law in your State that the children shall not go to work until they attain a certain age?—A. Yes.

Q. What is it?—A. I believe the last legislature passed a law that covered that point, and raised it to 14 years; I think it was 14 years.

Q. Do you think that meets the requirements of the children?—A. No. Of course the industrial conditions are such that public sentiment allows the law to be evaded. A good many people—widows—are dependent upon their children and have no other means of support, and they put them to work under that age, and public sentiment sustains that because they must have the value of that labor to sustain themselves and prevent their becoming subjects of public charity. It is one of those laws that has very little effect.

Q. Whose duty is it to enforce the law?—A. If my recollection serves me right, it is the business of the school directors in the various districts. I know in our school district that the directors know of many instances where the law is violated, and I think pay little attention to it. In fact, the only instance I know of where the law has been enforced has been at the instance of organized labor, and even then the public sentiment is such that we are almost obliged to desist in the matter.

Q. Do you believe that the public-school system is adapted to the needs of the working people?—A. Well, my idea differs largely on that. I think there is a whole lot of stuff that is of no use to the children that is taught, and a good many things left untaught that otherwise would be of benefit to them.

Q. We will take up the question of convict labor.—A. I have had but little experience in this State as to convict labor. I don't know in my experience that I have had to deal with it at all. The position of organized labor is, of course, opposed to convict labor, to the employment of convicts, except in a way that will maintain themselves, or in building public roads, or working in avocations where they will not interfere at all with other labor. We are only opposed to the working of the convicts in so far as it is in conflict with free labor.

Q. Has it come in conflict with the free labor?—A. As I say, we have had but little conflict here so far, but in the penitentiaries of the United States, in the other States, I know they do various kinds of work and it undoubtedly affects labor.

Q. Have you any suggestions to offer as to improvement?—A. I can not say that I have any suggestions, except that I believe the convict ought to be given a sufficient amount of work to do to take care of his condition in the penitentiary. I believe also that he ought to be compelled to maintain himself so far as he possibly can in the way of building public roads, or any other employment of the State where it is needed, provided such labor does not come into competition with free labor. I believe if the convicts are not kept out of competition with free labor it has a tendency to throw men out of employment, and to send some of them to the penitentiary in order to get a job. I believe the free labor would rather maintain the convict in idleness in order to get him out of competition with the labor market. If his labor was limited simply to his own keeping, to his own maintenance, there would be very little objection, but when convict labor is used it is usually used mostly for private profit above the maintenance of the convict.

Q. We will now take the remedial legislation on page 9, and you will please glance over it and take up each topic and treat it as fully as you care to.—A. Of course, we believe in employers' liability laws for the protection of men in dangerous vocations, but still from my experience I can not say that I have seen any great benefits coming from them, inasmuch as the wage-earner generally has to pay a certain amount for insurance to an employers' liability company. The

employer in some manner or other compels him to have himself insured, and so much is kept out of his wages; so that when he is insured he is taxed to a certain extent out of his own pocket.

Q. Insured in what?—A. The insurance companies have taken up that nature of insurance; for instance, they propose to a corporation that for a certain amount of money they will insure all of their employees against accident, and they induce the companies to insure the men in that way, and it probably frees the corporation itself from any liability, as the corporation would get the insurance for the amount it would be liable for under the employers' liability laws, or whatever it had to pay the men.

Q. Is that because of some defect in the law?—A. No, it is not because of a defect in the law; but it is for the purpose of freeing themselves from the provisions of the law, or rather causing the burden to be thrown upon the men for protecting themselves. In fact, during the last few months a company in the State of Colorado has made that a special business.

Q. But if the law is not defective in that respect, wherein does it alter the situation as to the employee beyond the fact whether he is employed or not, if he meets with death or an accident while he is engaged in the work?—A. The insurance company takes that off of the employer—assumes the responsibility of the employer.

Q. Notwithstanding the law holds the employer responsible?—A. Yes, that is practically the operation of the insurance scheme; but at the same time the employee pays the cost of the same. The experience of labor in the various States has been such that it is hard to make the employers' liability law effective.

Q. How is that system regarded by the members of your organization?—A. They want such a law.

Q. Do they favor such a plan as you have outlined in reference to insurance?—A. No; they believe that the employee should be allowed to insure himself in his own way; and a great many of them have their own insurance. A large number of them belong to fraternal organizations and a large number of them avail themselves of the insurance in these organizations.

Q. Take up 61; sanitary and personal-safety laws.—A. These laws enumerated here are largely along the line of the political demands of organized labor. In this State, while we have possibly a good mining law for the sanitary and safety condition of the mines, the insufficiency in the number of inspectors in the mining bureau tends to make them practically ineffective.

Q. Have you a check-weighman law in this State?—A. No. There was such a law introduced, through the efforts of organized labor, but it failed of passage. We have very little law upon the statute books of the State of Colorado along the lines of payment of wages or penalties or screens, company store orders, or anything of that kind. The large corporations in the mining industry are left to do pretty much as they please so far as the laws of the State are concerned.

Q. Have you any arbitration laws or arbitration board provided by the State?—A. Yes; we have a board of arbitration constituted of 3 persons, 1 an employer of labor, 1 a member of organized labor, and the third, who is the secretary, is independent of these two forces.

Q. Is your arbitration board doing efficient work?—A. So far, I don't think so.

Q. Can you suggest any improvement under the law or any change in the law that will bring about any better results?—A. Not unless compulsory arbitration would be an improvement.

Q. Do you think it would?—A. As I said this morning, I am not ready to give an opinion on that point.

Q. As to the uniformity of mining legislation in the several States; if the laws were made uniform as to mining in the several States, what, in your opinion, would be the result?—A. I think it would be better than the indiscriminate making of mining laws by the several States. I think if we had a uniformity of law covering a good many subjects it would be better.

Q. Have you any suggestion for remedial legislation?—A. I can simply offer the legislation that the State federation in its annual meeting—annual convention has asked for; that is, along the lines of the 8-hour law, an employers' liability act, antichild labor, an inspector or overseer of mines, mills, and factories, sanitary and safety laws. That about covers the ground, I think.

Q. (By Mr. KENNEDY.) Has any employer of labor in Colorado any good ground for belief that if he were to treat with organized labor there would be a resort to violence?—A. No; he has not. There is nothing to fear in that direction.

Q. There is nothing to fear?—A. No. My experience in this State is just the opposite. In fact, I believe that the lack of treatment by the employers with organized labor brings violence. Violence is rather to be feared from unorgan-

ized labor than from organized labor. Experience has shown in all parts of the country that the more cordially they get together the better they get along, and the less the violence

Q. And that is so in Colorado?—A. Yes, it is so in Colorado. There is not a railroad but what makes contracts with the employees, and in making these contracts they make them with the various brotherhoods, and in my experience in the last few years there has not been any friction. The newspapers of the city of Denver have always had contracts with union labor for years and years, and there is no danger of friction there; in fact, that is the way to make contracts, to recognize the organized labor. I think myself it is a false position for anyone to assume that in failing to recognize organized labor he is exempt from tyranny or violence. Experience has proven otherwise. I know I have heard about the experience at Wardner, Idaho, and Cripple Creek, Colo., that violence was resorted to by organized labor, but I have heard that it was because of the refusal of the employers to recognize organized labor.

Q. It must be gratifying to you as the head of organized labor in this State, to have one of the high officials of the trust say that if the smelter trust increased its profits as a result of the benefits arising from combination, that labor should share equally?—A. They should, but they do not.

Q. But one of the leading officers said that it shall; it must be he was speaking advisedly?—A. I think it would so far as Mr. Grant himself is concerned, but I don't think the trust would allow him to take such a stand. I think he will have to abide by what the trust says, regardless of what his personal opinion is.

Q. (By Mr. RATCHFORD.) It has been stated before this commission that instances have occurred in which coal companies have paid men who are leaders of their fellows and who control the others to bring about strikes when necessary; that in one instance they had 2 or 3 men on their pay roll to control their fellow workmen and bring about strikes. In your experience in organized labor have you ever discovered any such cases?—A. No.

Q. Have you ever known a company to pay anybody to bring about a strike?—A. No.

Q. Have you ever known a company that didn't feel at liberty to close its mines or works down whenever its business demanded it, without any excuse for doing so?—A. They always take that liberty.

Q. That right is accorded to them?—A. Unquestionably. I want to say that so far as the leaders of organized labor being in touch with the employers or their interests is concerned, that it is just the other way; that they are trying to remove the leaders from the organizations at the present time. Mr. Eiler, of the Eiler smelter, in the city of Pueblo, made a request of the business men in that city that the leaders of the strike be removed from the city of Pueblo; and the business men went so far as to advocate public reprimand of the leaders of the strike in order to drive them from the community.

Q. Is it or not your judgment that the leaders of organized labor have an influence brought to bear upon them at times intended and calculated to control them against the inauguration of strikes?—A. Yes, in almost every instance of large strikes I know it to be a fact.

Q. Do you state positively that you have never seen a case where men were paid to control others to bring about a strike?—A. Yes.

Q. It has also been stated by a previous witness that in one instance to which the witness referred, 97 per cent of the workingmen were influenced by 3 per cent favoring a strike. Ninety-seven per cent were against it. Is it your experience that 3 per cent or even a greater per cent, anything less than a majority, can influence a strike or bring it about?—A. No, for this reason; most all strikes are ordered by a secret ballot, taken by the organizations involved, not by a public ballot, but a secret ballot, and it requires in all organizations not less than a two-thirds vote to declare a strike.

Q. Even where a strike is brought about by an open ballot, are laboring men in the habit of being influenced in such a degree by their leaders or fellow laborers?—A. No; the whole proposition is preposterous. I want to say in that connection that I have known occasions where the leaders were in favor of a settlement of strikes, but where they could not use any such influence; where, after a period of cessation of work, they got concessions from the owners, and yet were not influential enough to get the organization to accept them.

Q. Have you known of any instances where the strikes were brought about against the advocacy of the leaders?—A. Yes.

Q. Brought about by the rank and file?—A. Yes. Persons who are known to be the leaders, or who are supposed to be the leaders of organized labor, are opposed, except in extreme cases, to strikes, because they know that they will have

to stand the responsibility before the community, and their tendency is always to avoid them, and when they see there is no other way they try to have them brought to an end so far as they can.

Q. The leaders who are sometimes called the agitators then are not responsible for all strikes?—A. No; not even a very small per cent of them.

DENVER, COLO., *July 14, 1899.*

TESTIMONY OF MR. D. C. BEAMAN,

Secretary and general attorney, Colorado Fuel and Iron Company.

The subcommission on mining met at 10 a. m., Hon. John C. Bell presiding. At 2 p. m. Mr. D. C. Beaman was introduced as a witness, and, being first duly sworn, testified as follows:

Q. (By Mr. RATCHFORD.) Please state your full name, address, and place of business.—A. My name is D. C. Beaman; I live in Denver.

Q. What business are you engaged in?—A. I am engaged in the coal and iron business.

Q. In what capacity?—A. Secretary of the Colorado Fuel and Iron Company, and also its general attorney. I attend to its legal business.

Q. Are you a member of the company—a stockholder?—A. Yes, I am a stockholder and director, both.

Q. How long has this fuel company been organized?—A. It was organized October 22, 1892.

Q. Where do you operate generally?—A. The principal operations are in Colorado.

Q. Then you operate some outside of the State, do you?—A. Yes.

Q. Where do you operate outside of the State?—A. We have some iron mines in New Mexico and some coal mines that we operate there, and we have just opened an iron mine in Wyoming.

Q. Can you state the number of mines owned and operated by your company?—A. There are eleven coal mines in Colorado that are now in operation, and seven which are not in operation. There are five coke plants in Colorado and two in New Mexico that are in operation. We have no coke plants that are now idle. There is one iron mine in Colorado and one in New Mexico in operation, and one in Colorado that is not in operation.

Q. Have you any more?—A. There is one in Wyoming that is being opened; and besides that we have the steel works.

Q. Where are your steel works located?—A. At Pueblo, Colo.

Q. Outside of the mining of coal, are you connected with any mining interests?—A. No.

Q. Your company I mean.—A. The company is not, but the individual members have some mining interests outside.

Q. Do you manufacture anything outside of the steel plant?—A. No, not in steel and iron; we make coke.

Q. How many miners or mine laborers are employed by your company in the different States?—A. In the neighborhood of 6,000.

Q. When I say miners I mean men employed in and around the mines.—A. Yes.

Q. Is your company connected with any organization of employers dealing with labor as to the regulation of wages?—A. No, I don't know of any such organization.

Q. How are the wages usually fixed in the mines which your company owns and operates?—A. Well, it has been so long since there has been any change in miners' wages in Colorado that I scarcely know how the fixing of wages originated.

Q. Under what system are they paid, by the ton or by the day, or how?—A. The coal miners are paid by the ton, nearly all of them. A few are paid by the cubic yard, in pitched veins, where the coal has to lie for some time.

Q. There has not been any change in the tonnage prices that you can remember?—A. No; as a general thing I should say not.

Q. No change at all?—A. There may have been a little change in some places in order to equalize. A very little change.

Q. How long have you been connected with this company?—A. Since its organization. I was in the business before with one of the companies that formed this one by consolidation.

Q. Do you suppose the wages were fixed with reference to the current rate of wages in any other occupations or companies at that time?—A. I don't know as to that.

Q. Was there any change in the wages of the miners in 1893 or 1894?—A. No.

Q. They still maintain the rate the miners received prior to that time?—A. Yes.

Q. The rate was never raised or lowered by reason of the panic?—A. No.

Q. Does your company pay the wages of its workmen in cash?—A. Yes; that is to say, he either gets the cash or checks that he can convert into cash without discount.

Q. Do they receive wages on pay day that they have earned during the period intervening from their last pay day—are your payments made monthly?—A. The wages for one month are paid on the pay day of the next calendar month.

Q. Then do they receive their wages in cash for the labor performed during the month?—A. They do unless they have been paid something in the meantime. The balance that is due them is paid on pay day.

Q. Your custom has been to advance some money in cases where it is asked for?—A. No, we don't advance money.

Q. You don't advance money before pay day?—A. No.

Q. But you have mentioned something about a payment or deduction in the meantime; how is that payment or deduction made?—A. By giving orders on the stores.

Q. Do you own stores in connection with the works?—A. We do, in connection with some of them.

Q. In how many cases do you run stores in connection with your mines?—A. The company itself runs no stores. There is a mercantile company organized which operates stores at some of our properties—an auxiliary company; at others this auxiliary company has no stores, but some arrangement is made with a responsible merchant to take the orders which are given before pay day. I have prepared a statement here and its purpose is to show the scrip system as it operates in this State, and which I will offer later as a part of my testimony.

Q. Does your company issue scrip or checks or other evidence of indebtedness?—A. No. We have an anti-scrip law in this State, and in order to comply with the law we allow the miner to draw an order upon the company for whatever he wants.

Q. For a certain amount of money?—A. For whatever he wants.

Q. Is that order negotiable?—A. No.

Q. Is it made out in favor of the store company?—A. Yes.

Q. By reason of that order being made out in favor of the store company then he is obliged to spend that money in a certain store?—A. That is the only place where he can use the order.

Q. What arrangements, if any, are entered into between the company and the merchandise company to run this store in connection with the works?—A. Well, we agree with them that we will stop the pay to the extent of any orders that they may secure from the miners.

Q. What do they pay for having that favor done them?—A. Five per cent.

Q. Five per cent?—A. Yes, sir.

Q. Are there any cases coming to your notice in which the working man has remonstrated against orders on a certain store?—A. No, I believe we have never had any demand from any considerable number of men. We have had no united demand against the store system. There have been a few individuals who have objected to it, but the main objection has come from retail merchants rather than the miners themselves.

Q. What do their objections amount to? Would you pay orders upon such stores as they might name themselves, as the miners might name?—A. No, we would not. It would involve bookkeeping with every store in the place that the miner might see fit to give an order. That would require a great deal of bookkeeping and additional expense in adjusting the accounts of the men.

Q. If each store had a man for the collection of that money, what would the difficulties be?—A. The difficulty would be that you would have to keep an account with each store.

Q. Would they not be as easily kept as with one?—A. No, I do not think they would.

Q. What effect has such a system in keeping out of any community in which it may be practiced individual enterprises?—A. Very little. We have some very strong rival stores in all our mining towns of any consequence. We do not try to keep them out. We sell them lots if they want them.

Q. What influences are brought to bear upon the men outside of the influences you have mentioned to deal in any certain store?—A. There has never been any

influences so far as I know exercised, certainly none authorized, and certainly none justified. I suppose there are cases where a storekeeper, who knows a man personally, asks him to buy from him for the purpose of inducing a sale. I am sure there are no restrictions, and in fact there is a prohibition against any of the employees being coerced in that respect, and I think there is no doubt it is not done.

Q. Have you ever known of a man losing his position in a mine because he refused to deal with the store?—A. No, I don't believe any such case ever existed with this company.

Q. Have you ever known of a single man or a man of small family being discriminated against in favor of the man who has a large family?—A. No.

Q. Have you ever known of the coal company employing a greater number of men than was required to meet its demands in order to sell a greater amount of its merchandise?—A. No, I have not. I would consider that a very poor financial operation for any company, to keep any more men around than it had to have, and pay for something it did not want. I don't see where the profit would come in. We don't do that sort of business; I know that. It is not to be assumed—at least I don't wish to be so understood—that where a company store is run in connection with the works, or upon the plan that stores are run in connection with our works, that the men spend every dollar they make to live.

Q. It is claimed by some that a company which can supply its trade by employing 100 men regularly for 5 or 6 days in each week will increase the number to 150 men, for instance, and give them 3 or 4 days' work per week, and sell one-half more goods in their store. That is the point I wish to bring up. Have you ever seen any such instances?—A. I never have. I have never heard of it. I am very sure that no such case exists in our business. One of our principles is to try and satisfy our miners. They are sometimes very hard to handle at the best.

Q. Does your company run a work train to any of its mines from an adjacent point?—A. No.

Q. Have you adopted a dockage system in any of the works?—A. No; we have no dockage system.

Q. Where a miner is docked for sending out impurities?—A. We have no system of that kind; at least, I think we have not. I do not speak from absolute knowledge.

Q. If a miner should send out a load of gravel or rock he would be docked for that, would he not?—A. I don't think this amounts to a system here. We have here in Colorado, perhaps, a little cleaner coal than is had in some of the Eastern States, and I think we have less trouble in that respect with impurities.

Q. Does your company favor general recognition of the miners' union in the settling of strikes regarding wages?—A. That question has never been mooted so far as I know among our employees. We do not discriminate against union or nonunion men so far as I know. We do not ask a man whether he belongs to the union or not.

Q. With respect to the question of the adjustment of the conditions of employment, did your miners ever call upon the representatives of the company to confer with them?—A. Yes.

Q. Did you respond?—A. I think so; always.

Q. Treat them as organized if they are organized?—A. As to that I can not speak. That belongs so peculiarly to the operating department that I would not be a member of such a conference. My impression is, and I never heard anything to the contrary, that if a man comes with a grievance he is received, and it is talked over, regardless of how he comes or where from.

Q. When agreements are entered into by the representatives of your company such agreements would reach the department with which you are connected, would they not?—A. If important and to be in writing they would, but not otherwise.

Q. There have been no agreements in writing entered into that you know of?—A. No, I have not seen any in reference to wages.

Q. What are the number of hours for each day worked in the mines, and what is the average number of days worked per month?—A. I could not answer that question without reference to the books. The hours, so far as the miner is concerned, are usually controlled by his own choice, unless there should be an unusually large demand for coal, and in that case he would be urged to work longer in order to supply the demand.

Q. Have you screens at your mines for screening the finer from the coarser coal?—A. At some of them, yes.

Q. What is the superficial measure of those screens?—A. I don't know.

Q. What is the space between the bars?—A. That varies, I think, in different

places to some extent, and I could not give you that information, as that is a part of the business with which I have nothing to do.

Q. Don't you think it is a very vital part of the business?—A. It is, but it belongs to the operating department.

Q. The size of the screen is the measure of the men's wages, and the company's profits?—A. No, I do not think they would depend upon the amount paid for the screened coal altogether.

Q. You have stated that the screens vary in some instances; does the price vary also?—A. The price paid for men's work varies at different mines.

Q. According to the size of the screens?—A. No, not in that way. It depends upon the character of the vein and the ease with which it is mined.

Q. You do not know as to the size of the bars nor as to the spaces between the bars?—A. No.

Q. Do you know what portion of your whole product passes through the screens?—A. No, I could not state as to that without referring to the books, and a good deal of figuring. I suppose the books would show the amount of screenings that went to the coke ovens, but I could not approximate it.

Q. The commission would like to have those figures.—A. If you will furnish me with a written statement of just what you want, I will try to answer it.

Q. The statement as to what portion of your whole product passes through such screens, and the average price of driftage of the mine for the current year. The driftage is the amount that passes through the screen. We sometimes call it driftage and sometimes we call it screenings.—A. There is some of that sort.

Q. Have you ever mined on what is known as the run-of-mine basis?—A. Yes.

Q. How did you find it, satisfactory?—A. Do you mean to say to the miner?

Q. To you?—A. I believe so, usually. It is mined in that way because the market requires it.

Q. What is the difference in the price between the coal that is mined on the run-of-mine basis and that which is screened and paid for upon the screen basis?—A. There is no way to estimate the difference; we have so many qualities of coal, and the price varies between $1 and $1.50 per ton, owing to the quality and the uses to which it is put.

Q. What determines what the price should be in mining a ton of coal in any of your veins or mines? The earning capacity of the miner enters into it, I suppose, does it not, to a certain extent?—A. A long while ago that question was of course determined, but it would be more in the nature of a guess upon my part as to the elements that enter into it. I suppose the price at which we would be able to sell, the cost of living to the miner, and other things, would have to be taken into consideration in fixing the mining price.

Q. If that is true, and you were able to deal with the men when that price was fixed, they may have demanded a certain price, and that price may have been fixed by the arbitration of the miners; they may have struck for a certain price, and it may have been fixed in a certain manner by arbitration and without consulting the other side?—A. I don't remember of any strike for an increase in the price paid the coal miners. I would not say there had not been one a good many years ago, but I don't recollect it. As to that, I believe I stated before, the current rate of wages in other occupations must largely govern in the price of coal mining, in order to induce men to enter into it. They would not engage in it if they could make more money in other occupations, and if the price for coal mining was excessively high they would quit other occupations in order to engage in it. So that I suppose there must have been some relation between the two.

Q. Can you state the average wages made by your miners during the past year?—A. That could be ascertained from the books, but I could not state it now.

Q. From your books?—A. Yes; I could give you the highest prices and the lowest prices.

Q. And number of days worked?—A. I could not give you that without a great deal of labor.

Q. You have not stated as yet, and I do not wish to press you unless you care to state it, what it is that determines the difference in price between screened and unscreened coal?—A. You mean at the same mine, coal that would otherwise bear the same market price?

Q. At the same mine or where conditions were equal?—A. I do not call to mind now an instance where coal is screened and also sold on the run-of-mine basis. And of course where the screens are the screenings are used for making coke, and although there may be some cases outside of the coke plants where coal is screened, I am not able to cite any such case specially. As to what determines the difference in the miners' price, I would say it would be whatever affects the price of coal, so that the man who mined on the run-of-mine basis and the man who mined at the

screened mine could make the same amount of money; whatever would affect the price of the coal would make the difference in the price if there was any.

Q. Does your company own or rent any tenement houses?—A. Yes.

Q. Please describe them.—A. Good frame houses, usually painted and plastered, and having from 3 to 4 rooms, and sometimes 5 rooms.

Q. What is the average value of those houses—the cost of construction?—A. Well, I could not state that from memory.

Q. What is the rental of the 4-room houses?—A. I don't know that, either, without reference to the books.

Q. Has your company at any time applied to the courts for an injunction restraining the miners or officers from holding business meetings?—A. No.

Q. Has your company or its agents at any time endeavored to disperse such meetings?—A. Not that I know of.

Q. Has your company ever engaged the services of secret detectives or employed other persons, either directly or indirectly, to serve in that capacity, for the purpose of getting information against the workmen?—A. I don't know of any such a case. We have employed detectives for various purposes, but I don't know of any case where it had reference to the conduct of the workmen, or to find out anything that they were doing.

Q. Or had done?—A. No, not in any case that I ever knew about. We have had very little trouble with our workmen.

Q. Would you care to state what such detectives were employed for?—A. Well, the only case I recall now is a case where we had a lawsuit, and it was necessary to employ detectives to look up evidence and watch the other side, where they were doing something they ought not to have done. It was in the case of lawsuits we had with other coal companies, and we employed them to hunt up some of our witnesses that we might know where they were—some of them that were not here.

Q. Have your employees ever engaged the services of such men, to your knowledge?—A. No, not that I know of. As I stated before, we have had very little serious trouble with our men.

Q. Are there any questions asked when employment is sought at your mines as to whether men belong to the union or not?—A. No.

Q. No discrimination practiced?—A. No; none whatever.

Q. Can you state what percentage of your miners are natives of non-English-speaking countries of Europe?—A. No, I could not; I do not think we have any record that shows that.

Q. In some cases these men are numbered; perhaps you could tell by the number.—A. They are always numbered. You can not keep the run of 6,000 men in many different places without numbering them any more than you could keep track of baggage without numbered checks.

Q. Has your company ever punished any of these workmen for their connection with organized labor?—A. No.

Q. Does your company own its own lands?—A. Some of them, and some of them are leased.

Q. How do you keep track of the coal—by the car or by the ton?—A. Sometimes by the ton and sometimes by the cubic yard.

Q. What is the royalty by the ton?—A. Sometimes 10 cents and sometimes above and sometimes below that. It would be pretty hard to give an average of royalty for all kinds of coal in Colorado.

Q. What is the average cost of a ton of coal at the mine, including the cost of stock and repairs and machinery?—A. I can not answer that question without reference to the books.

Q. What is the cost per ton to the miner for supplies?—A. I can not answer that, either, without reference to the books.

Q. Can you state, for the information of the commission, as to the cost of a keg of powder to the miner?—A. I can not; I don't even know what it costs us.

Q. If you can supply that information we should like to have it.—A. You want to know what we charge the miners for a keg of powder?

Q. Yes, and what it costs you. What is the actual capital invested by your company in all of its plants?—A. The capital stock of the company is thirteen millions.

Q. What is the amount of your taxes?—A. Our taxes average about $50,000 per year.

Q. What is the cost of insurance?—A. We do not insure. We carry our own risks except in rare instances, such as where an idle building can be insured. We do not find it profitable to insure.

Q. What are the advantages of mining machinery compared with hand labor?—

A. We do not have any machinery. We do not employ machinery, and I don't know anything about it. There may be such a thing as one or two machines working now, but I don't know as to that. I don't think there is. We tried some and they were not satisfactory.

Q. Can you suggest any means of avoiding strikes and promoting cordial relations between the employer and the employed?—A. No, and I don't think that condition will fully come until the millennium itself. I do not believe it is within human province to entirely remove the sources of friction between the employer and the employee.

Q. Is there any system of cooperation, profit sharing, or industrial partnership between your company and its men?—A. No.

Q. Does the State government or the authorities act as employers of labor in any part of your State?—A. No; the State government does not engage in mining, and I don't believe it employs any labor outside of its public institutions and public improvements.

Q. Can you give us any information as to any agencies in your district for the benefit of the workingman—the unemployed, I mean?—A. I know of no such agencies except the ordinary employment agencies.

Q. Have you any suggestions to make, or any information to offer, such as statistical information, relating to your trade, which is or should be collected or published by the Government?—A. That is such a broad question that it would require some reflection as to the ramifications of the business. There is, perhaps, some information that would be desirable, but, as a general rule, I believe the facts are collected now and published.

Q. As fully as you believe they should be?—A. I have not given any special attention to that question.

Q. Where do you now find a general market for your product?—A. In Colorado, Kansas, Nebraska, Utah, New Mexico and Old Mexico, Arizona, and Texas.

Q. Anywhere else?—A. And Idaho and Montana, in the coke trade; the coal also sometimes goes up there.

Q. In any of these cases would you care to state what is the lowest rate of freight actually paid from your mine to the market?—A. I don't know.

Q. Do you believe that discrimination in freight rates is practiced?—A. I do not think it is to any extent. I don't know of any rebates to our company.

Q. Then you do not know of any discriminations?—A. I do not.

Q. You are of the opinion, then, that there are no discriminations on that line?—A. I don't think there are.

Q. You never heard any complaints made?—A. I never heard any complaints of that kind from other coal dealers, or any suggestions of them.

Q. Do you care to state the effects of mining or labor legislation upon the mining industry?—A. Well, there are some laws that might be denominated labor legislation which have been of no disadvantage to the coal-mining industry, those which relate to mine escapements, ventilation and other appliances, and inspections, which are just such things as were used prior to the passing of the laws. The companies generally go even beyond what the law requires in that respect. There are some things which I think have been disadvantageous.

Q. What is the average cost of producimg a ton of coal?—A. I could not answer that without going to the books and getting the figures.

Q. Will you state, if you know, why the value of coal at the mines in the United States, as a whole, is less than one-half of the average value of the coals of Great Britain, France, Belgium, and other coal-producing countries?—A. The selling value of the coal?

Q. The value of the coal at the pit mouth, what they get at the pit of the mine; that is, the selling price; what you get for it—will you state why that value in the United States is less than the value of coal in all other coal-mining countries?—A. No, I could not say as to the reason.

Q. But you are aware such is the case?—A. No, I did not know it was the fact.

Q. You are not aware that we are producing coal more than 50 per cent cheaper than any other country on earth?—A. No, I did not know that.

Q. Now turning to Part II of the topical plan of inquiry, you may treat each subject as fully as you care to, and we will interrupt you as little as possible.—A. I don't believe there is anything in that part on which I am in the position of knowing facts or having opinions that would be of any special information or value to the commission. The only thing I would suggest would be upon the subject of taxation. I do not think this question is confined, however, to the industrial question; it is general in its application and is a fundamental defect in our taxation system, in that the county assessor assesses property just about as he pleases, and there is an inequality in the counties on the subject of taxation.

We pay it, having properties in different counties, but there is no equality. If we had the system that is practiced in some of the Eastern States, a county and State board which equalizes between the township and counties, it would make the taxation equal on similar property in every county.

Q. (By Representative BELL.) The suggestion that you make is a modification of this inequality that now exists in the way of legislation.—A. Yes; each township should have its own assessor, a man who knows personally every resident in his township and the value of the property. He assesses that township and nothing more, and when the assessment of each township comes before the county commissioners they determine whether each township has been properly assessed in that county with relation to the other townships in the same county, and if they find the land assessed at, say, $10 where it should be $17 or $19 they raise the value in this township, and in that way they equalize the assessment in the county. When it again comes to the State board, if they find the land in one county valued at $10 and in another at $20 and still another at $30, they either raise or lower the assessed valuation of lands, or whatever it may be, so that they have everything in each county on precisely the same basis. The fault is that every assessor is trying to see how low he can assess the property of his county for the purpose of avoiding the State tax. That is his purpose. Then they raise the levy for county purposes to produce the amount they want and let the State go.

Q. You say that you know of no discrimination in freight rates. I will ask you if a large proportion of the price on coal is not the freight itself?—A. I should say that the largest portion was, as a rule; that is, where the haul is of any considerable length.

Q. Is it not the custom to ship coal from the farther points where the mines are located at the same rate and sometimes lower than from the nearer points?—A. I don't think it is ever lower.

Q. Is not Canyon City coal sold at Denver cheaper than at any other point?—A. I don't think it is, but I would not say absolutely that it was not.

Q. The charge has always been made by those living nearest to the mines that the coal costs less at greater distances than at the points nearest the mines.—A. I would not say that was so as to Canyon City coal, but that might be so as to some coals, where there was competition. When I said there was no discrimination in freight rates I didn't mean to say that there is any difference between coal and any other business. There are cases where coal is taken a long distance at the same rate as for a shorter distance, but two men shipping from the same place would not be subject to discrimination. I guess that kind of discrimination in all other businesses exists in many instances. I know it has in shipping steel and iron products to San Francisco.

Q. I suppose you are often apt to find steel lower in the distant market than in the near market?—A. No, I don't think we have ever sold for less in the far market. We have met the same prices everywhere, but perhaps I am not familiar enough on that subject to speak as an authority upon it.

Q. Do you know what coal is worth per ton at Crested Butte mines?—A. No, I have no idea.

Q. From Crested Butte to Montrose is about a distance of 90 miles, and Crested Butte coal is worth about $4.50 per ton at Montrose. Have you any idea as to what portion of that would be royalty and what would be the net price of the coal?—A. No. I do not know at what price coal is selling now, but I know there is from 50 cents to $1 to the local agents per ton, and they get about the biggest slice out of it of anyone.

Q. (By Mr. RATCHFORD.) Do you know what amount the agents who sell coal from that mine get?—A. No.

Q. If the agent gets $1 per ton he gets more than the miner's price for mining, does he not?—A. Yes.

Q. (By Representative BELL.) Have any of your miners ceased work recently?—A. The Rockvale mine is idle now for the want of orders. I do not know how long it has been closed, but I think only a few days. The quality of coal is so different—there are so many different qualities that we may have a rushing demand at one mine and be entirely out of orders at another, and the one that has no orders can not supply the orders to be filled, because it is not the kind of coal wanted.

Q. Are there any artificial reasons that have operated in shutting down any of your mines recently, such as labor legislation, the 8-hour law, or anything of that kind?—A. No.

Q. What is the present condition of mining; is it prosperous or otherwise?—A. I think it is fairly prosperous. I think it is as prosperous now as it has been at any time since the panic.

Q. About what is the product of your company?—A. I have it for the fiscal year ending June 30, 1898. Our figures to June 30, 1899, are not yet made up. The production of coal for the year ending June 30, 1898, was, in round numbers, 2,630,000 tons.

Q. Are you operating in any State outside of this?—A. We are not mining any coal outside of Colorado at present, but we are selling the output of some New Mexico mines.

Q. (By Mr. RATCHFORD.) You stated, I believe, a while ago that the company with which you are connected employed about 6,000 men?—A. About 6,000 men around the mines for coal and iron.

Q. Does the product that you gave us, 2,630,000 tons, only cover the coal product?—A. That is all.

Q. How many miners are engaged in mining?—A. I could not give you that because we do not compile any one statement that shows the men employed. I was also going to give you the amount of coke; that is also a part of the product—823,000 tons of coke for the year ending June 30, 1898, and I suppose the average for the year ending June 30, 1899, will be above that of 1898 in all departments.

Q. Then you would consider the coal industry of the State prosperous this year?—A. Yes; I would say it is reasonably prosperous.

Q. What result has the shutting down of the mines and smelters recently had on your demand?—A. It has had some effect; just how much I do not know.

Q. Has it also had any effect on your pay roll, on the number of men employed?—A. Well, I presume it has, although I do not speak from figures relating to the subject, but I would say that very naturally what reduces the output would also reduce the pay roll.

Q. You supply the so-called trust smelters with coal or coke, do you not?—A. We do to a certain extent, but whether we supply them exclusively or not I do not know.

Q. You supply the mines of Leadville usually with more or less coal, I presume?—A. We do probably the most of that business there, but there are other coal mines that supply them also.

Q. Then the shutting down of the mines and smelters would necessarily affect your business in connection with others?—A. It must to a certain extent.

Q. Turning again to the topics set out on page 7 of the topical plan of inquiry—what effects have you observed from the concentration and consolidation of the coal mines? You can answer the question generally and then get down to the particulars, such as effects on prices, profits, wages, smaller enterprises, business competition, etc.—A. I believe if we had not made the consolidation in 1892, whereby the operating and management of the two coal companies, practically three were merged into one, that we could not have maintained our miners' prices through the panic of 1893. It enabled us to keep up the prices to our miners.

Q. What was the consolidation at that time?—A. The nominal consolidation was of the Colorado Coal and Iron Company and the Colorado Fuel Company. The consolidation proper was of the Denver Fuel Company and some properties owned by a company known as the Elk Mountain Fuel Company, which never operated, but simply owned land.

Q. Now, state how the benefits accrued from that consolidation.—A. Well, in the first place, the competition of those companies was taken out of the question. The Colorado Coal and Iron Company and the old Colorado Fuel Company, with which I was connected, always had sharp competition in the coal and coke business.

Q. It reduced the price?—A. The price would be reduced occasionally by this kind of competition.

Q. Was that beneficial to the users of coal?—A. I don't think it was especially beneficial to the users. I believe it is for the good of the consumers to know that they all pay the same price for their coal. I don't say that the consumer is especially benefited by that consolidation, but the prices are the same as when the cutting was going on; but I think the miners and the agents were benefited, for the reason that there were formerly two companies under two separate managements, with agents and officers, and the expenses of each one, also sales agents; while now they are consolidated under one president, one vice-president, one secretary, one superintendent, one board of directors, one auditor, and so on lower down, one doing the same duty that two did before; and the expenses were thus materially reduced as against the expenses of the two companies before.

Q. Now, by reason of that consolidation, did it affect wages materially one way or the other?—A. The wages were not changed at all. I think they would have had to have been lowered in 1893 if we had not made a saving in these general expenses.

Q. What effect did that consolidation have on the cost to the seller?—A. I don't th'..k it injured him at all.

Q. You have no fear of destroying their business by reason of competition or otherwise?—A. No; none whatever.

Q. Did the smaller companies reduce wages in 1893?—A. There were only a few operating then. Most of these small companies have been organized since the panic. In fact, I don't recollect of a single small company that was operating at that time, except two in the South.

Q. Can you recollect of any reduction taking place there?—A. No; I don't think they reduced them any; but some of them had a system of paying by issuing their duebills or store orders for whatever the employees might want, and informing them that they would pay when they could get the money.

Q. Were the orders paid in money at any time?—A. I believe so.

Q. Are the smaller companies and companies outside of the consolidation to-day, where they have mines in the same districts in which you are operating—are they paying the same prices?—A. I presume they are. I don't know anything to the contrary.

Q. That leads to another question: If you were able to effect this enormous saving in 1893 or 1892 by this organization of interests, it follows that you are able to maintain that saving by the continuance of the organization, and to that extent able to produce cheaper than the individual concerns or the companies outside of your association?—A. That would not necessarily follow.

Q. Why?—A. They might have facilities for producing cheaper than we could.

Q. What facilities?—A. They might have coal easier to mine; it might cost them less to mine; they might have a clear, solid body of coal. In some of our mines we have faults and dikes, and in some places no coal at all, and a great many places where much work is required to get the coal.

Q. Veins may be thicker and they may have harder coal?—A. Yes; that is true.

Q. The point we want to make clear is this: You spoke of the organization resulting in such a large saving to the companies that form it. I want to know how the companies outside of it can pay the same price and do business?—A. That is what I can not tell you. I don't know what they pay, and I don't know what profits they make. When I say we made a saving I mean that the consolidated company costs less to run than the separate companies before the consolidation. There was a saving, although I don't know whether you consider it large or small. I don't know whether it was enough to prevent outside companies from commencing or doing business. That would depend altogether upon what economical practices they used. It may have been in judgment, great economy, and it may have cost them less to mine their coal; their expenses may be less than ours; and unless I knew all these things I could not answer that question.

Q. At any rate you can not recall any of these individual companies that reduced wages at the time of your organization?—A. No; I don't know of any.

Q. Is there any overproduction of coal in the West? Is the demand equal to the supply or not?—A. At times there is an underproduction, and at times an overproduction. In the winter there are times that we can not supply the demand, and in the summer time we do it very easily.

Q. Do you export any coal?—A. No.

Q. Do you get into California?—A. We did sell some anthracite in California, but I believe that trade is cut into by the anthracite that comes over in ships as ballast.

Q. What is the difference in the cost of production now and the cost at the time you first began to mine coal in Colorado?—A. I could not answer that without reference to figures, but I imagine there is not much difference.

Q. Are your prices for labor keeping up to what they were?—A. Yes; I don't believe the general price of labor has changed very much.

Q. (By Mr. KENNEDY.) You stated the capitalization of your company to be $13,000,000; will you state how much money is actually invested by your company?—A. I could not tell you that for the reason, as I told you before, it is the consolidation of two other companies, one of which I had nothing to do with, and don't know what its properties cost; but the aggregate capitalization of these two companies was reduced in the consolidation instead of being increased, as is commonly the case.

Q. Is there any so-called watered capital stock in your company?—A. No. In such an organization or consolidation you could not have watered stock very well, and, as I told you, it was a reduction in the aggregate of the original amount.

Q. Does that $13,000,000 represent an actual investment of money?—A. That would depend upon the valuation of the land, etc. We have about 70,000 acres of land, the value of which depends upon how much of it is coal or iron land, and that is largely speculative.

Q. What is the total coal capacity of Colorado?—A. About 18,000 square miles of coal area.

Q. Then the field is open to anyone who may choose to invest money in it?—A. Yes; there is lots of it—too much of it. That is the trouble with the coal fields of Colorado. If it were not for that our company would earn more, probably.

Q. The only way they would be kept out would be by transportation favors—railroad discriminations?—A. Yes; that is about the only way that they could be kept out. Every now and then we hear of a new one. They come pretty rapidly, so that they can not be very much hurt by discrimination.

Q. Have your employees any voice in fixing the wages for which they work?—A. No more than the ordinary employee, as he says whether he will consent to work for the wages or not. He is not taken into consultation unless a complaint is made.

Q. If the company opened a new mine, would it fix the wages of labor without the consultation of the men at all with reference to the other mines and the surroundings? You fix the price and the miners may work for what you wish to pay or not, as they choose?—A. Yes. They don't make any complaint about the wages, as I understand. I don't believe they do, and we have had no serious wage strikes.

Q. Can you tell whether the coal miners employed by you are a thrifty class or not? Do they save money and build homes for themselves?—A. Some of them do and some of them do not. They are just like the average class of men that you would pick up anywhere—some are thrifty and some are not. The price of the house a man lives in is not a sign or evidence of the amount of money he is making.

Q. Are they ever patrons of the savings banks?—A. I don't know. There are no savings banks that I know of outside of Denver and Pueblo. As to that, I don't know. Of course, they might go to Trinidad and other places to deposit their money. I believe, as a rule, that the miner keeps his money in his stocking.

Q. Do they have good school facilities?—A. Yes; the very best kind. I have brought with me a printed article in reference to the schools in the mining camps. I wish to submit it and make it a part of the record. This school is in our mining town of Sopris, in Las Animas County.

Q. Do the boys go into the mines pretty generally after the age limit is reached for them to work?—A. I could not answer that with any degree of certainty. I have never investigated, but I think largely as a rule the children are likely to follow the occupation of the father.

Q. I would like to ask you a hypothetical question. If your miners were to go into an organization to-morrow and say that by reason of conditions in the mining industry they should have an advance of 20 per cent in their wages, would you recognize their demand and their organization, or would you treat with them at all?—A. Oh, yes; we would talk to them and tell them right away that there was not 20 per cent profit in the business, and that we could not stand it.

Q. That was stated offhand; I simply said 20 per cent increase in the wages. If they asked for any increase, would you treat with them then?—A. I don't know of any instance where the employees have been refused an audience for any reason.

Q. Would you prefer that they would not organize and that they should not have any voice in fixing their wages?—A. I will say this, that I would favor labor unions if they would confine themselves to their written constitutions and their general proclamations of principles; there is no objection if they would do that. It is only where they depart from them that they become an enemy to the employer and the laborer. If they would confine themselves to their constitutions I don't know why they would not be an advantage to both sides.

Q. Do you believe that they do not confine themselves to their constitutions?—A. I am sure that a great many of them do not. Some of them may and some of them I think do confine themselves closely to it. I think the members of the Brotherhood of Locomotive Engineers and some others do.

Q. And some other unions, such as the Typographical Union and Cigar Makers' Union?—A. That I don't know, as I don't know much about those unions.

Q. (By Mr. RATCHFORD.) I want to ask you if it is not quite as reasonable to suppose that the miners of the Western country could meet their employers or their representatives in a general conference and fix the scale of wages for 1 year or for 6 months, as the case may be, and agree upon their terms of employment, hours of labor, etc.—I want to ask you whether such is not quite as feasible in the Western country as it is elsewhere.—A. Well, I don't know how feasible it is elsewhere.

Q. Well, I will tell you. The miners of the central competitive coal field, including the western part of Pennsylvania, Ohio, Indiana, Illinois, the greater portion of Iowa, and a portion of West Virginia, meet their employers once a year and

make their contract, and that contract is sacred and so regarded and observed by each side; and whenever any man violates it on the side of the union he has the union to fight; and whenever an operator departs from it he has the operators' association to fight. Is such a condition in Colorado feasible? Is it as feasible in this country as there?—A. Well, I don't know the constituent elements of the miners there. I don't know the sort of people there. They may be more tractable there than here.

Q. You have these same men in the West, have you not? Do they not come to the West from the East?—A. About the same kind of men, probably, and I don't know why they could not do the same way here as there.

Q. Is there any effort in that direction?—A. I do not know. I rather think not.

Q. How often do you visit the mines and visit the miners?—A. Not very often.

Q. Do you go once every 6 months or once a year?—A. No.

Q. How do you know, then, that the miners do not complain against their wages?—A. Because I would hear of that in the office.

Q. Is it not possible that the miner might complain to his own men about his wages?—A. It is.

Q. They may complain of their wages in their own homes without this complaint reaching you?—A. Yes. When I said that I meant that no complaint came to the office.

Q. Is it not also possible that the men regard or are liable to regard it as a dangerous proceeding to complain in such places where the office is going to hear of it?—A. No, I would not think so.

Q. No matter what the cause may be? I do not mean to insinuate that you or your company would dismiss a man for complaining, but I submit it to you that there are men who would so imagine?—A. There may be.

Q. I want to ask you whether or not you have ever known of a man being dismissed or thrown out of employment because he complained.—A. I don't believe I ever did. I do not deny the right of a man to complain because he is not getting enough. It is conceded, of course, that anyone has the right to deny their demands, but I don't deny the right of the men to complain. There is no question about the right to be recognized; but, as I said before, these men have other avenues if the right is not always accorded them.

Q. That is, the right to complain without punishment?—A. Well, that may be imposed in some cases, but I don't believe it is with us. I don't believe that we have ever been governed by that sort of a policy—coercion of our employees.

Q. For the sake of illustration, I want to revert to a part of the evidence previously given, as to the relations of this coal combination with the individual companies, in order to illustrate the point that we have under consideration: If the members of one of these individual firms knew that they were at the mercy of this combination and that the combination could take their business away from them and crush them to the earth, is it likely that they would complain against the combination? Would they in any respect complain against any of the methods that were practiced?—A. Well, I think that would largely depend upon whether they had reason to believe that we would exercise this power. As we have never before exercised it or undertaken to exercise it, I do not know that they would have any reason to fear at all.

Q. Does the fact that it has not been exercised in the past remove the doubt that it might not be exercised in the future?—A. I think it would, largely.

Q. Any way it seems natural, does it not, that if one man or one firm is at the mercy of another and that one—the larger one—can control the business in which the other is engaged and drive the other from the business by cutting the prices below what that other can afford to sell for, just as the Standard Oil Company did to the individual industries, is it not natural that under such circumstances such men would exercise a great deal of care before making a complaint?—A. Our difficulty has been to keep the prices up. That would depend upon the reasons they had for making complaint. As to the amount of care they would exercise, I could not say. But they have not done it, and 7 years would give to some extent an opportunity for us to hear if there were any complaints made.

Q. (By Representative BELL.) I would like to ask you a question as to nationalities of your workmen, whether they are Italians, Americans, or Irish.—A. I could not give the proportionate number of Italians, Austrians, Hungarians, colored men, and Americans.

Q. What is the general nationality of persons now in the whole plant?—A. Mostly Americans and colored men at the steel works.

Q. From what place were the colored men secured?—A. Down South somewhere. I don't know the place.

Q. What was the advantage to the company in securing colored labor in pref-

erence to the white?—A. We could not get the white. It was not to fill anybody's place. It was to supply a want we could not fill anywhere else.

Q. Is the labor about the whole plant excessively hot so that the white men can not stand the heat?—A. In some places it is hot, and the colored men probably stand the heat some better in those places than the white men.

Q. To what extent have you employed colored labor?—A. We have about 500 colored men altogether.

Q. Then they are also coal miners?—A. Yes.

Q. What kind of employees do they make, as compared with the white labor?—A. Well, they are equally as good where they are as skilled as the white men. Taking the two men, of course, the white man, as a rule, would be more skilled, but the skill being equal the colored man is equally as good as the white man. He is as satisfactory an employee.

Q. Then you have the colored man more in the line of a common laborer?—A. Yes.

Q. (By Mr. RATCHFORD.) You spoke of your willingness to deal with organizations of labor, and commend them provided they would stand upon their own constitutions, rules, and regulations.—A. What I said was that I saw no objection to labor organizations if they would abide by their written constitutions.

Q. Did you not say that they would be, in your judgment, beneficial, or words to that effect?—A. Yes; they would be. I would say that their constitutions, which I have seen, in their enunciation of principles, are entirely unobjectionable.

Q. I take it from that that the practice of the miners of your State has been to depart from these principles in their constitution?—A. No; I don't refer to anything our miners have done. I spoke of labor organizations generally, that they had in some instances departed from them.

Q. Can you point out those instances?—A. The particular instances I could not name without some reflection. What I meant by that was where they inaugurate a strike and compel men to remain out of employment who may want to work; that is not in conformity with their written constitutions.

Q. Do you know what means of compulsion are employed?—A. I do not.

Q. The commission would like to know of any instance where trade unions have departed from their agreements and constitutions and also would like to know what compulsion or intimidation was used by the unions against men who were willing and wanted to work.—A. Not being a member of these unions, of course I do not have the knowledge of these things that I would have if I were a member. What I spoke of is the general custom—the things I have heard the labor leaders say in regard to that.

Q. Could you name the labor leader who has given you that information?—A. I read it right here in the account of this examination as reported in the newspapers. Mr. Coates here stated that where they instituted a strike they required every member to conform to it, regardless of his individual inclination in the matter.

Q. But Mr. Coates stated also that the only influence brought to bear upon those men is moral influence, powers of persuasion; that is not force or intimidation.—A. Well, I don't know as to that; that depends on the methods used to persuade.

Q. Another question with reference to your product. I have heard it stated that an individual could not buy a single ton or a small number of tons of coal at your mines; that you hold your product for large purchasers.—A. That can not be true. However, there might be cases where we had agreed to supply our coal to some particular coal dealer in a local town and had agreed we would sell our coal to no one else; in that case we would not sell to anyone else there.

Q. You would give him a monopoly of the business?—A. Yes.

Q. And that would mean from 50 cents to $1 per ton added to the price?—A. Yes. May be he would regulate that himself; possibly he would be subject to some regulation from us as to the price.

Q. At all events the consumer has to pay it?—A. Yes. In such a case as that we would probably not sell to any individual in that town outside of this man, because his agency would not be worth anything to him if we did.

Q. Do you think that is fair to the consumer?—A. Yes; I think it is, and I think the consumers in their business would do the same thing. They could not run a business where they had agents in any other way.

Q. I understood you to state at the beginning that there were no strikes in your mines in 1893. I want to ask you, to make myself sure on that point, if it is not true that there was a strike in your mines in 1893—in any or all of them?—A. There was a strike in 1894 that originated in northern Colorado, in sympathy with the Eastern strike, during which the northern coal miners marched down through

the southern district and succeeded in calling out the miners at 2 or 3 mines down there for a short time. But it was not a strike for wages; it was merely a sympathetic strike, and no question made as to the wages; no demand at all.

Q. That was in 1894?—A. That is my recollection.

Q. And there was no strike that affected your company in 1893?—A. If you have some knowledge or information of such a one and could refer me to the particular mines or conditions, perhaps I could more certainly answer the question.

Q. In nearly all the mines of your company?—A. I don't think so.

Q. The strike of 1894 was merely a sympathetic strike?—A. Yes; that was the origin of it. The northern coal miners came out, as I understand it, in sympathy with men in the East.

Q. They marched down and brought out your men?—A. Yes; at some of the mines they got a few men, and at some they got a good many, and at some none at all.

Q. Were your mines where any of the men went out supplying the market with coal? Were they at work supplying the market so that it injured them any?—A. They were of course supplying the market to some extent then. There are two classes of coal, the northern coal and the southern coal; they are different coals and used largely for different purposes.

Q. Is it not a fact that in 1894 the mine workers of the country inaugurated a general strike for higher wages?—A. I don't think that extended to the coal miners here for that purpose. As I said, it was a sympathetic strike with the men in the East. I don't know but they might have struck for higher wages there, but, as I said, as to the strike here there were no demands made upon us for higher wages. They merely went on a sort of a march down through the country from the northern coal fields. They went to 2 or 3 mines and then came back, and there was no change in wages about it, unless it was in the north. I don't know what the northern miners did.

Q. Are your miners in the habit of doing that—marching out, coming out together and making no demand?—A. I believe there are such things known as sympathetic strikes here as well as in other places.

Q. I wish you would define a sympathetic strike.—A. Well, I would say that this would be a sympathetic strike: Suppose the employees in the Guggenheim smelters would go out and refuse to work because there was a disagreement between the American Smelting and Refining Company and its employees, and that the former would say, "We will stop the whole business; we sympathize with these men and we will not work, but will stop the whole business until the matter is adjusted, and for that reason we strike." That is, I believe, the way such things are usually done, and in that case it would be what I would regard as a sympathetic strike.

Q. If I understand it, the idea is that the Guggenheim employees would strike because they feared that the employees of the American Smelting and Refining Company might fail and have to accept less, and that it would extend to the employees of the Guggenheim smelters, recoil on them; and because, while the American Smelting and Refining Company's smelters are idle, the Guggenheim smelters are supplying the trade formerly supplied by the American Company?—A. That more than covers the proposition I put; that would not be a purely sympathetic strike; it would be a strike for self-interest as well as for the interest of the others.

Q. Have you ever known of a sympathetic strike in which there was not a self-interest involved?—A. I don't know how that is. There might have been one in this 1894 strike that I spoke of, but we called it a sympathetic strike. Of course, it may be there were other motives; that I don't know. It may be I have forgotten, and it may be that I never knew.

I have reduced to writing some facts and views on some of the subjects in the topical plan of inquiry. These I will now read. The numbers and headings refer to those of the topical plan of inquiry on mining (reading):

3. INCORPORATION OF TRADES UNIONS, ETC.—Of the feasibility of incorporating these bodies there would seem to be no doubt. The legal effect would be to give them a standing as legal entities, and I have no doubt it would operate somewhat as a restraint on the more radical element found in most of them. This element I believe constitutes a small minority of the total membership, but is usually the most active and exercises control of the majority much the same as is the case in most political and business combinations.

If incorporated they would feel a certain obligation to the State and public not felt in voluntary organizations, which have no legal relations with the State government, and the ultimate result would be a more even and just administration of their relations to the employers.

Labor leaders have objected to incorporation for the reason that they would be easier reached by the processes of the courts. It does not seem to me that there is anything in this reason, as it is not usually difficult to ascertain the names of the officers of voluntary organizations or the chief actors in any movement requiring the action of courts; or if this can not be done, the individuals being identified, the name John Doe has always been sufficient in legal proceedings. This being the case, I think the real objection is because of the natural restraint exercised by the governmental relation.

4. RELATIONS OF TRADE-UNIONS TO NONUNION LABOR, AND THE RIGHT TO LIBERTY OF CONTRACT.—This is certainly not an open question. The experience of the age is that these relations are intensely hostile. The ostracism of nonunion workmen by union men has been open and notorious and never denied by the latter. Indeed, it has been their most effective weapon to coerce membership and recruit their ranks. The so-called "scab" of to-day may become the honored union man to-morrow by the simple act of joining a union. In one town of this State cards are posted in public places advising people to buy at stores employing union clerks and "get good goods," as though the character of the goods kept by a merchant was governed by the social relations of his clerks, or would be magically transmogrified if his clerks should join the union.

The denial of the individual liberty of contract is the universal practice of unionism; of necessity so, or it could not exist for any length of time and perform its chief objects, viz, the maintaining and increase of wages.

The cohesive power of the organization for mere social purposes would fail to keep it together if each member were free to work when and where and for whatever price he chose. This doctrine is not, however, found, so far as I have observed, in the constitution of any union, but it is fully recognized and enforced in violation of their written constitutions. See section 3, Article I, of the constitution of the Smelter Men's Union No. 93, of Denver, which is as follows:

"SEC. 3. The object of this union shall be the practice of those virtues which elevate and advance society and remind men of their duty to their fellow men, the elevation of his position and maintenance of the rights of the smelter employees."

The denial of the liberty of individual contract is an attribute of despotism and slavery, and being foreign to our form of government, can not be sustained under any of the objects above set forth.

Although the interests of one employee might be advanced by denying to another the right to accept employment except on condition that the former be also employed, the rights of the one do not go to the extent that he can justly enforce such denial contrary to the desire of the former. Yet this is done in almost every strike inaugurated by a union, and idleness and want is enforced upon those who desire to work and whose families are made to suffer for the want of it.

This condition of things exists only in labor organizations, to such an extent that there is no tyranny in America to-day equal to the tyranny of the trade unions, and if it existed in any other public organization would meet with universal condemnation.

I know of no valid objection to labor unions if they would keep within the terms of their written constitutions, but some of them certainly do not do so. This largely because their deliberations are generally controlled by the fire-eating element.

The Western Federation of Miners is especially subject to such control, and has, to say the least, a general reputation for lawlessness, and, if the newspapers friendly to it are to be believed, celebrates the anniversary of its greatest crime in preference to the Fourth of July.

It is therefore not singular that the employers of Colorado look upon local unions under its affiliation and control with disfavor, and fear the destruction of lives and property if such control is fastened upon the State. My own opinion is that it has done more to injure the cause of labor than any organization since the days of the Molly Maguires. There are at the same time numerous instances where the conservative, level-headed labor leaders have done much toward settling disputes between employer and employee, and I believe the very large majority of actual laborers who belong to unions prefer this conservative management; but the difficulty is that the aggressive element is always the noisiest and generally controls public assemblies, so that as a general rule the labor unions as now controlled do not promote the best interests of the laboring men nor of the country generally.

7. THE ECONOMIC RESULTS OF STRIKES.—That the results of strikes have been damaging to labor generally would seem to be confessed by the leaders, such as

Mr. Debs, Mr. Arthur, and others, when they in their more recent addresses publicly advise against them, and the general tendency of all other conservative leaders to bring about the settlement of labor troubles by arbitration and such other methods as avoid cessation of work.

I have seen somewhere a statistical showing that the results have been financially disadvantageous to the workmen directly concerned. I do not now remember the authority, nor is it material whether the statement is correct, as the results to their families in the way of deprivation can not be measured in money, nor can the results to other workmen not directly concerned be statistically shown, and any compilation not extending to these does not take in all the elements involved.

That the results generally have been disastrous to the employer has not, I believe, been questioned.

As to the impossibility of a statistical showing of results, take the existing smelter strike in Colorado. The smallest of all resulting losses is that to the smelter employees themselves. The cessation of work has extended to miners, cutters, and haulers of coal, timber, and ore, etc., clerks, railroad employees, and in fact to almost every workman in the State, and also to the owners of the various industries affected. The actual loss to merchants may be less serious, as they have their unsold goods; that to the owners of railroads and other industries may to some extent be recovered by hereafter mining and hauling the coal and ore, but the time lost by all the employees is gone forever, a dead, irrecoverable loss.

To this must be added the deterrent effect on enterprises in embryo, the diversion of money looking for investment to other States.

Many of these things are beyond the domain of mathematical calculation, yet if the smelter employees should succeed in procuring 10 and 12 hours' pay for 8 hours' work the excess thus earned by them in the next 10 years would probably not equal the total pecuniary losses resulting directly and indirectly from 3 months of strike.

12. THE INJUNCTION IN STRIKES.—The term "government by injunction" is a mere catchy phrase, and the tirade against it, so popular of late, proceeds from demagoguery or the want of a proper understanding of the use of injunctive powers. Of the three coordinate powers of government—legislative, executive, and judicial—the latter and its processes, including injunctions, and all other mandatory and prohibitory writs, warrants of arrest and commitments, are not only legitimate but the most potent and essential of all.

Without the use of warrants and commitments all legislative and executive powers would be useless, and the man who criticises either as a whole and without discrimination betrays ignorance or rascality.

The courts are constantly engaged in the punishment of crime by warrant and commitment, and in the prevention by injunction of injuries to property, and interference with others' rights in all the departments of life, and this has been done for centuries without any proposition to restrict them, and there is no ground for criticism when used in strikes to prevent injury to property or interferences with the rights of others.

That mistakes may be made in the issuance of injunctions as well as in legislative and executive action is of course true, but these apply to particular cases and not to the general exercise of the power conferred by law. In fact, injunctions are the only effective prevention of threatened wrongs, as they do not have to wait until the mischief is done, hence their usefulness to preserve the peace and afford the only adequate remedy of which government is capable. Their effectiveness in this respect makes them objectionable to the advocate of strikes. It may be stated as a general axiom that no one has reason to fear the law unless he has committed a crime or intends to commit one.

The objection that injunctions are now used in directions not known to ancient law, is no more than saying that the administration of the law must not keep pace with the other elements of civilization, but remain as a useless fossil.

13. WEEKLY AND SEMIMONTHLY PAYMENT LAWS, ETC.—These laws will injuriously affect nearly every industry.

In so far as they require payment every two weeks, there are serious objections on other than constitutional grounds.

They interfere with the settled rules established throughout the country by common consent for the transaction of all business. Almost, if not quite, all the business of the country is done on 30 days' time as equivalent to cash. The laborer, as well as every other man of reputable habits, can buy on such terms.

The coal operators, the manufacturers, and employers generally, pay their laborers every 30 days, and in turn sell their products at 30 days, and so the round of business goes.

To single out and break one link of the system by shortening the time of payment would operate as a hardship on one of the parties concerned and be of doubtful benefit, to say the least, to the other, and destroy the equality of the system.

Where 1,000 or more men are employed, several days are now required to post the accounts, make out the pay rolls, and prepare checks for payment. To double this work would largely increase the expense, and many employers who now find much difficulty in meeting monthly pay rolls would be utterly unable to meet them semimonthly, with only monthly returns from their sales on which to depend.

It is within the knowledge of all, and can not be denied, that "pay day" at coal mines and in some other occupations means 1, 2, or 3 days of idleness, and often that many days of dissipation. To double these pay days means in all such cases double the idleness and dissipation, which also means double the amount of money wasted at the saloon, double the loss of family comfort, double the loss of time to the employee, and double the loss of time to the mine or other industry from enforced idleness, as well as double the loss of time to the sober and industrious miner who does not dissipate, but who is prevented from labor during such days as the mine stands idle.

In view of the fact that the Federal Government, the State and every county and municipality is behind in its revenues and payments, it is an outrage to single out the employers of labor and the principal industries of the State and attempt to compel them to do what they can not at present do, or punish them as for a crime. Such legislation would not only be an outrage, but would be little short itself of legislative crime.

All laws which seek to convert what should be but a civil liability into a crime are vicious in the extreme. Why, if we are to become criminals on account of our inability to pay on certain days, should not our customers and every man who fails to pay his note when due be also punished by fine and imprisonment?

17 AND 66. STORE ORDERS, COMPANY STORES, ETC.—We have never deemed it necessary to reply to the many unfounded accusations against the Colorado Fuel and Iron Company in relation to the payment of wages in scrip, etc., being pretty fully occupied in attending to our business, no inconsiderable part of which is to pay out each month to the laboring men in our employ about $250,000, and a greater amount yearly to the manufacturers and business men of the State for supplies.

At the outset I desire to state that this company never did and never intends to pay its employees their wages or any part thereof in scrip, the statements of others to the contrary notwithstanding. Nor is there any truth whatever in the statements recently made by Edward Boyce that our employees were required to trade out their wages and generally came out in debt to us at the end of the month. The contrary is true. We paid out in cash (or cash checks paid without discount) to our employees in Las Animas County in 1898 $518,420, and for the month of January, 1899, $45,897, and about the same amount each month since.

The scrip system has been knowingly and persistently misrepresented in order to create prejudice, deceive the unthinking, and accomplish ulterior purposes. I will state the facts of the system and its operation, prefacing them with the statement that the miner who has money on hand, as most of them have, or credit at any store, is under no necessity of touching the scrip, although many do so from choice, preferring to live on wages earned but not due, rather than to spend money which they have laid by.

At some of our mines the Colorado Supply Company operates stores. At other mines arrangements are made with responsible merchants, and to all these stores orders were heretofore given, and for convenience we will designate them all by the usual name of "company stores." Miners who procure these orders are furnished goods at current prices and precisely the same as those charged outside cash customers, and the stocks carried are extensive and of the best class, and they are in no sense "truck stores."

The system and occasion of using store orders and scrip is designed for the miner who desires some advance on his wages for family support before regular pay day. He applies at the mine office and receives an order on the company store for such sum as he will probably need during the month, say $15. He goes to the store, surrenders his order and procures, say, $12 worth of goods—all he needs at that time. Instead of giving him credit for the $15 and charging him with the $12 worth of goods purchased and opening an account with him on the store books, charging him from time to time with the goods he gets, involving bookkeeping and possible disputes at the end of the month as to the correctness of the account, the storekeeper gives him the balance of $3 in scrip, probably in

$1, 50-cent, and 25-cent pieces for convenience in future, and that transaction is closed. In a few days the miner's wife, needing 50 cents' worth of goods, takes that amount of scrip and makes the purchase, and that transaction is closed. And so on until the scrip is used up.

All bookkeeping is dispensed with and all chance for dispute or dissatisfaction is removed, the miner always knowing by the scrip on hand the amount of his credit at the store.

The old system of a pass book (never at hand when it is wanted) and the errors of bookkeeping are done away with.

It is the result of years of experience and is the most perfect system of bookkeeping without books ever devised, and has the approval of the United States Treasury Department as not in violation of Federal laws, and in the form of coupon books is in use in many stores for general customers.

The system is satisfactory to all concerned (because it is best) except to those who have some ulterior purpose to subserve, and to a few jealous merchants who do not happen to keep the stores, and saloon keepers who would like to have more frequent opportunities to get some of the miners' wages.

It benefits the miner and his family as much as it does the employer. It is to his advantage to be able to thus obtain advances on his pay for his needs before pay day arrives. No employee is ever required to take them.

As they are advances on his pay it is difficult to see how a prohibition helps him. So far as we know about company stores in Colorado, and the advancement of wages in orders thereon, as desired by the laborer, he is placed at no disadvantage. Our experience as to the results where miners procure promiscuous credit at stores not connected with the mines is that just before pay day some merchant, having doubts about some miner's pay being sufficient to pay all his debts, or about his willingness to pay, garnishees the company for his wages, and by the time the debt and costs are paid the entire wages are consumed. At mines where there are no company stores these garnishments are numerous and a fruitful source of unnecessary expense to the miners. Many of these claims are for intoxicating liquors, and if the legislature would prohibit their sale at or near the mines, it would do more to promote the general welfare of the miners than any law that could be enacted.

Trinidad has long been the storm center of this selfish clamor. Some of the merchants there, not being satisfied with the trade they naturally get, desire legislative assistance in forcing trade their way and out of its natural channels. The antiscrip movement is the pretense—the real purpose is to interfere with the company store and compel the miners to travel to their stores to buy family supplies. This they seem to think the legislature has power and is organized to do.

To this clamor against scrip and company stores we might rightfully respond that inasmuch as we institute and carry on the coal industry at our own risk and expense, and without which many of these adjacent stores and saloons could not exist, why should we not be entitled to a share of the benefits incidental to the business? When these merchants employ help do they not expect their employees to patronize them? Will they obey this law and pay nothing but cash to their employees? Or do they want a law to be enforced against us, but which they can disobey at will?

We are not contending for the right to reap all the benefits arising from our business. We simply want to be let alone in the right to conduct our business as others do—in our own way and in a manner which has been considered lawful since the business of the world began; and we object to any legislative and unconstitutional attempt to manage it for us or force trade into the hands of those who, having no hand in its origin, are not satisfied with ordinary conditions.

Is it expected that in obedience to this law the farmers, merchants, mining companies, traders, and people generally will no longer pay an employee any part of his wages in "trade?" If a law was passed simply forbidding newspapers to deduct from his wages advertising or subscription due from an employee you would probably regard it as an arbitrary and unauthorized interference with the natural rights of both parties, yet this law does that and more, as it undertakes to bind every employer and employee, ditch and reservoir companies only excepted. How much ought a laborer to respect so-called legislation which forbids his employer to furnish him flour, house rent, coal, or any other necessity of life unless he pays for it in cash, no matter how much may be coming to him as wages? Yet that is what this law is intended to do.

No doubt it has been violated every day since its passage by nearly every farmer, merchant, and business man in the State (including the select few at Trinidad for whose benefit it was passed), and the legislators who voted for it, and probably will continue to be so long as it disgraces the statute book.

No case ever tried has developed and no legislative or other committee has ever investigated the uses or abuses of scrip and company stores in Colorado, but the charges have been reiterated so often by self-appointed and pretended friends of labor that it has been assumed by the legislature and many uninformed people, contrary to the fact, that they are means of oppression.

In the discussion of the validity of bills of this character before the supreme court their promoters have been repeatedly asked to institute a legislative inquiry by committee to investigate the facts as to scrip and company stores and the general condition of the miners, that the public might no longer be deceived; but it was not to their interest to do so.

Notwithstanding this law—from its title to its emergency clause—is permeated with the microbes of unconstitutionalty, we do not care to be placed in the attitude of violating it, and so instead of drawing an order ourselves, as formerly, the miner now draws his own order, which the law does not prohibit, and its only effect so far has been to impose on the miner the cost of the revenue stamp required on his draft.

It belongs to that class of "bomb-throwing" legislation which generally results in injuring those it was ostensibly intended to aid.

The coal miners in our employ are not poorly paid, nor are they suffering, but are in general as comfortable and well satisfied as any other class of laborers and are provided with schools, schoolhouses, and churches which rank with the best in the country towns, all of which receive material aid from the company.

Coal miners are so far from being subject to coercion that they have never hesitated to make open demands for the redress of grievances, and, if not granted, to strike, but the agitators (who flourish in times of controversy and starve in times of peace) have never yet been able to persuade them to demand the abolition of scrip or company stores.

19. MINE TENEMENTS, ETC.—As applied to our coal mines, and I believe generally in Colorado, these tenements are in general equal in every respect to the demands and desires of the occupants.

We build good frame houses at our mines for all employees who desire them and are willing to pay a reasonable rent, based on cost. Many others buy lots and build their own houses, preferring to do so. Others prefer to save rent or cost of building good houses and erect shacks of inferior character. This latter class, as a rule, have more money saved up than any other and adopt such methods of living in order to accumulate money, and the great majority of them would adopt no better method if they were comparatively wealthy until their natural characteristics are changed by long association, if perchance that will accomplish it. Their characteristics in this respect are well illustrated in the Apache Indians of New Mexico, for whom the Government builds good houses, in which the Indians put their domestic animals, while they continue to reside in tents, winter and summer. This has existed for more than 15 years, and probably will always exist with the majority of them.

At several of our mining towns and wherever there is available water and no regular water company, we have built reservoirs and pipe lines, conveying the water to hydrants in the streets, where free water is furnished to all residents. Trees have also been planted along the streets and watered from this supply. These water systems cost us large sums.

In this connection it is proper to say that at all our mines schoolhouses have been built of a character corresponding to the number of population, some of them being the best in their respective counties. To the building and equipment of these we contribute the lots and a large proportion of the building cost, both by taxation and donation, and always encourage the building of sightly and commodious structures.

In this connection I submit the following extracts from the Home Gazette, a family newspaper published in Trinidad, Las Animas County, by the ex-superintendent of county schools, in reference to our mining town of Sopris. The article is one of a series reviewing the schools of the county in January, 1899. Similar articles were published referring in the highest terms to the schools at the other coal mines operated by us in that county, but it is unnecessary to take up time with their reproduction.

"PUBLIC SCHOOLS.

"No town in Las Animas County takes so great a pride in its public schools as Sopris, and none has greater reason to do so. The school building is the largest, best arranged, and best appointed of any in the county outside of Trinidad. The building is a 2-story brick in semi-Queen Anne style, 40 by 60, occupying a lot 100 by 150 feet, inclosed with a neat wrought-iron fence on a dressed-stone foun-

dation. The east and west entrances have flagstone walks and neat porches. On the east side is a handsome fountain, and 20 thrifty trees, surrounding the building, have attained a sufficient size to afford grateful shade. An elegant 18-foot flag floats on proper occasions from a stately painted pole in the grounds. The several rooms are supplied with everything needed in the way of globes, maps, charts, and school appliances, and, as Professor Custer expressed it, 'There is nothing needed for school purposes with which we are not supplied unless the district had money to throw away.' In the principal's room is a handsome cabinet organ, which is in daily use in school exercises. A recent division of the district has reduced the attendance of pupils to a number where each can be given individual attention, and the progress for the past month has been very marked.

"GRAMMAR DEPARTMENT.

"Prof. J. E. Custer is engaged on his fifth year's work in the Sopris schools, which in itself is an indication of his general ability and efficiency. He is a graduate of the Western Normal College, of Shenandoah, Iowa, and had 3 years' experience as a teacher before entering upon his duties in Sopris. The course of study is so graded as to furnish a thorough English education, and in a number of instances where his pupils have changed to the Trinidad schools they have entered and been able to sustain their positions in corresponding grades.

"PRIMARY DEPARTMENT.

"Too much can not be said in commendation both of the teacher and the pupils in this lower grade. Their work in arithmetic surpasses anything we ever witnessed in pupils of their age. Children only 2 years out of the kindergarten answered questions in mental arithmetic which included fractions, addition, subtraction, multiplication, and division, all in one problem, as readily and promptly as an accomplished bookkeeper could have done, and in almost every instance without error or hesitation. Specimens of free-hand drawing were most excellent work, and drill in physical-culture exercises was performed in perfect time and motion. Miss Mollie Houchins, the teacher, is a graduate of the Trinidad High School. She has had 5 years' experience as a teacher, 2 of which have been in Sopris, and in all her work shows both thorough training and a natural aptitude for her calling.

"THE KINDERGARTEN.

"If there is any one thing in connection with its schools of which the people of Sopris have good reason to be especially proud, it is the kindergarten. About 7 years ago Mrs. J. A. Kebler, whose husband is the general manager of the C. F. and I. Company, suggested to the people of Sopris that they should establish a kindergarten, and to aid them in doing so she gave them a handsome piano and much of the apparatus used in the work. She has ever since shown much interest in the undertaking, and its remarkable success is due in no small degree to her efforts. The kindergarten occupies the second floor of the building, which, by the way, is fitted up with a stage, wings, and scenery sufficient to make it a very comfortable hall for public entertainments. In it about 75 little tots are gathered every school day and started on the road to knowledge. An hour spent in watching their exercises was full of interest. To properly describe it is beyond the power of our pen. The constant aim of the successful kindergarten teacher is to impart instruction without making it a task to the child—to amuse and at the same time to instruct. The exercises, which at first glance seem only play, have each a purpose and an object. For instance, the subject of the carpenter is taken up. The child is told how he builds the house we live in. Then miniature trees are planted in a sand bed. The children go through the several motions of cutting down the tree, cutting it into logs, sawing the logs into lumber, planing and cutting the boards into lengths and nailing them in position, and when the lesson is done the children can not only repeat it, but have quite as correct an idea of the methods of cutting lumber and building houses as their elders. We can easily realize the infinite tact, patience, and special training requisite for a successful kindergarten teacher, and in Miss Lois Thompson we find them fully realized. She made a special study of this branch of teaching by a 3-years' course in the Denver Normal, and is thoroughly qualified for her work. Miss Maud Morgan, of Trinidad, is assistant teacher in this department and is meeting with marked success."

20. THE SHORTER WORKDAY.—The shorter workday will not benefit the majority of workmen unless preceded or at least accompanied by advanced ideas and

means of spending the time while not working. This is shown by the manner in which such time is now usually spent by the majority. While they would undoubtedly have more physical rest, the gain in this respect is often more than counterbalanced by the physical injury received and the money spent in dissipation.

If the saloons were abolished, or congregating at them less common, and intellectual employments provided, and men could be induced to avail themselves of them, the shorter workday might in some occupations be advantageous. But in the coal mines of Colorado it would not be, for the following reasons: Coal is mined in Colorado (and probably in most Western States) only as orders for it are received. Competition, disintegration, and the cost of handling forbid its being mined and stored at the mines to await orders. The result is that during the winter, when the demand is great, the coal miner (who mines by the ton) puts in 10 to 12 hours per day and earns correspondingly more. If he worked but 8 hours per day it would, in order to meet the demand (and this demand often means suffering if not promptly supplied), require the employment of 25 per cent or 30 per cent more miners. In the summer time, when the demand is light and most mines run on half time or less, this 25 or 30 per cent of additional men must have their share of work, thus cutting down the earning opportunity of the others, in some cases below living wages.

This will be the inevitable result of the enforcement of the 8-hour law in coal mining here.

A large amount of our Colorado coal goes into adjacent noncoal-producing States, and we there meet the competition of Wyoming and other coal States which have no such laws, and this competition effectually prevents any increase in prices. This competition reaches even into Colorado in some places.

If the law does not apply to the coal miners, on account of their working by the ton instead of the day, and does apply to all other inside workmen who work by the day, such as drivers, timbermen, and the like, it works unequally, to our great disadvantage, in this, that if a coal miner works 10 hours we must, in order to draw out his coal and keep the timbering along with his excavation, have extra men to work the 2 hours over the 8-hour shift of the regular drivers, etc., and it is difficult, in fact impossible, to get men to work so short a time each day. The consequence is that our inside men, seeing the inequality and injustice of the law, are voluntarily working 10 hours.

The 8-hour law of Colorado, which so unfavorably affects the great and vital industries of Colorado, was engineered in the legislature by men who had no knowledge or substantial information on the subjects it bore most severely on, the leader in the house being a clerk in a Denver clothing store. Those who opposed it were men of experience in mining. As originally introduced it had no relation to the question of healthy or unhealthy employments, but covered nearly all classes of wage labor, and those who listened to the debates on the subject, as I did, will bear witness that the leaders of the movement made no pretense that it involved any questions of health, or anything more than an entering wedge to increase wages generally by shortening the hours of work, and this is now the question publicly advocated by the labor leaders, regardless of whether the law is held valid or otherwise.

Finally the Utah law was substituted because, measured by the constitution of that State, it had passed the legal test, in the hope that our own court might be thereby induced to overrule its former decision, and a start at least be made toward a universal 8-hour day.

As regards coal mining, if there were any statistics on the subject they would show beyond dispute that, so far as general health is concerned (excluding liability to accident), the coal miner is the healthiest of all workmen, for the reason that he works in an even temperature the year round and is never exposed to the sudden changes of intense cold and heat to which the carpenter, bricklayer, and other outdoor workmen, or the average indoor workman is, nor to the dripping water often existing in metalliferous mines. Nor do gases affect the coal miner for these, whenever they exist, must of necessity, to prevent explosions, be effectually dispelled by powerful air currents from large steam fans, and in all extensive coal mines these fans supply a constant flow of pure air to the inside workmen, and are never allowed to stop day or night. Its basis as a conserver of health is again swept away by the concession of its advocates on the streets and in the courts that it reaches only the employer and his employee, and not the owners of the small coal or metal mines who choose to work themselves, as if their health was not of as much public importance as that of those who work for others.

Should cooperative mining and smelting come so that every workman shall become a joint owner (another shibboleth of the unsatisfied) the 8-hour law will then come to naught by their own interpretation.

While I do not claim to understand the smelting business, it is common knowledge and observation that a great many men working in them are not exposed to either the furnace heat or fumes, yet the law makes no distinction, nor does it distinguish between mines which are wet or poorly ventilated as it would if it were really intended to preserve health and nothing more. Its insincerity, and that of 8-hour laws generally and their advocates, also appears in that their efforts at amelioration stop at the male sex, or, at most, the women and children who work for wages, and fail to reach the women who work in hot kitchens over the stoves and washtubs of these philanthropists from daylight until bedtime, while the husband is proposing to spend 16 hours in sleep and idleness. The woman editor of a Kansas paper punctured this bubble of philanthropy and humanity when she said, "This country is full of howling 8-hour men with patient 14-hour wives."

If an amendment had been offered extending the 8-hour day to the wives it would have been voted down. As it was, the law was passed under the whip and spur of the unions, not as an expression of the judgment of the legislature, but because there were but few members of sufficient independence to say no, and as a mere scheme to raise wages.

The effect of the law, if held valid, and it operates to raise wages 25 per cent, as intended, will be particularly injurious to our steel works, as we are compelled to compete for our heaviest business with the cheaper labor and iron ore of the Eastern States, which are not handicapped by 8-hour laws. At present a slight difference in freight rates saves us a small profit, which has never been as much as 25 per cent. It is most unfortunate for this State that just as it was recovering from political vagaries and antisilver movements, it should be, by a lot of shortsighted, inexperienced legislators, plunged into difficulties not imposed upon any other State with competitive industries.

The 8-hour day will reduce the capacity of coal mines or compel an increase of equipment, capital, and cost of production. Such has been the case in Illinois.

The West, with high costs and wages, is struggling for commercial equality with the East, with low costs and wages, and the former should not be the first to burden itself with shorter hours or increased wages.

The enforcement of the 8-hour day with 10 hours' pay at this time will close many of the low-grade metalliferous mines, and their employees will be compelled to seek employment elsewhere and owners be either ruined or greatly injured.

To attempt to compel the 8-hour day by legal enactments, regardless of the effect on the interests of the people generally, is thoughtless and ill advised. It has been in operation for years in some parts of this State, where rich mines and other conditions enabled the employer to bear it. If it ought to come, it will come in other places by natural conditions and in such a way as not to disturb business or the relations of employer and employee. If it shall thus become universal, no one will object to it.

31. COOPERATION, ETC.—This, as a general thing, I do not think can be put on a practical and successful basis, either by making workmen joint partners or stockholders, for three reasons:

(1) As a rule, the profits or dividends on stock are too small, much below the average local interest rates, and will not be acceptable to small capitalists.

(2) In nearly every business there comes a time when losses occur and conditions are such that loans can not be procured and owners must put up their own money to save the business, and this will not be acceptable.

(3) As nearly or quite 90 per cent of business enterprises result in failure and either total or partial loss of the capital involved, it is too risky. A few money-making cooperative concerns have flourished and probably will continue to do so while they make money.

It would be a good thing for the employer if it was practicable.

35. COLORED LABOR, ETC.—Out of our 7,500 employees probably 500 are colored, they being employed both at the steel works and mines, and they are in general quite satisfactory, fully as much so as correspondingly unskilled white labor. They are less given to strikes and not so subject to agitation, and are fully equal to white labor in endurance and steadiness of work. The present turbulence among the white laborers will have a tendency to increase the number of colored ones wherever it exists.

Japanese are now being employed in Idaho. As to non-English speaking men, our experience is that they are less desirable than those who speak English, they being less intelligent, more suspicious, clannish, and easier led to violence, besides doing their work more mechanically than intelligently.

51, 52, AND 53. TRUSTS AND COMBINATIONS.—On these subjects there is, in my opinion, more insincerity of public expression than on any other subject now before the people. I believe it is mostly the result of political ambition, and it is

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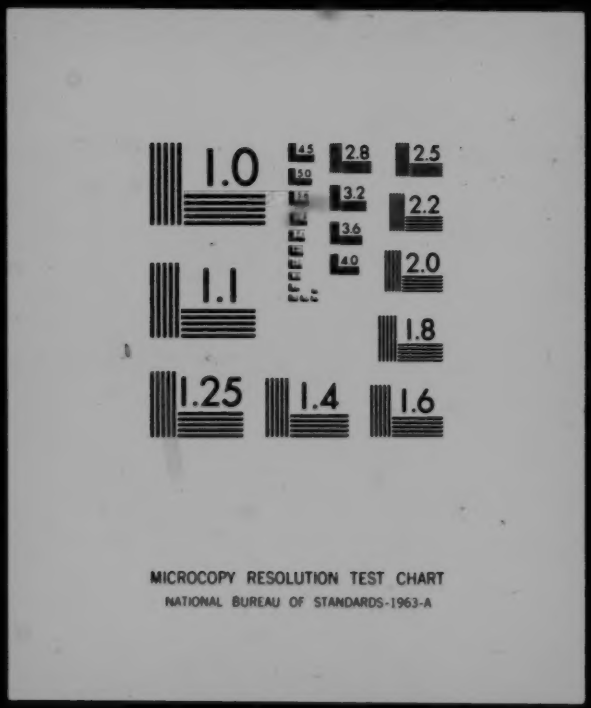

WESTERN AMERICANA

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gratifying to find a man with the independence shown by Mr. Grant in his testimony before this commission.

It is true that the trusts buy up the concerns throughout the country, close some of them, and people are thrown out of employment, but that is not the worst that might happen. It is matter of common knowledge that 90 per cent of the business enterprises of the country have failed from overcompetition or overproduction, resulting not only in closing them and throwing men out of employment, but leaving the employees and all other creditors unpaid. When closed by trusts, employees and creditors are paid and owners have something left. If the closing must come, is not this result preferable to bankruptcy?

It is also stated that thousands of people in the rural districts and small towns are investing in trust securities. This is certainly news, and if true proves too much, in that it shows that the capitalist is not alone guilty, and if worthless stocks are sold to speculators and it will cure the nation of stock speculation and manipulation, it may be worth all it costs, even if some of the speculators do live in the country.

When did we have cheap oil before the Standard Oil Company? The box of matches which some years ago we paid 10 cents for we now get for a cent, notwithstanding the Diamond Match Company. The potato and melon growers of Colorado have for years been in trusts, and yet the price of potatoes and cantaloupes is lower than ever and the supply more regular. The beer trust absorbed the breweries of the country, but the price of beer has not advanced.

The churches have long been trying to consolidate, yet, strange to say, they have not yet been able to make the mutual concessions required to complete the trust.

The labor unions are trying to organize themselves into a bigger trust, but the politicians do not say much about it. The newspapers have an Associated Press trust of the most prohibitory kind. Expansion is now a popular idea, and the Cuba and Philippine trust is now in process of formation.

The powers of the world are just now engaged in organizing a peace trust which is intended to and will close all the factories and throw out of employment all the men now engaged in making vessels and munitions of war—more, probably, than will be thrown out by all the other trusts.

The mere closing of factories and throwing men out of employment is not, therefore, the test by which the good or evil of a movement is determined. Nor is the mere advancement of prices invariably or generally bad. Competition may result in lower prices, but that is not always an unmixed good. Too low prices mean correspondingly low wages, and too low wages mean hardship for workingmen and consequent inability to buy supplies, and the evil goes round the circle of business. Prices not equal to the cost of production plus a fair profit to the producer (including fair wages to the workmen) are not conducive to prosperity.

The proposed repeal of tariff protection on articles made by the trusts in order to destroy them by letting in foreign products takes no account of the American workmen (employed by the trusts), who will also be destroyed.

That all trusts will so control production that prices will go injuriously high is not proven. I am not their apologist or their defender. I do not know as yet whether in the long run they will work for evil or good. Nor do I believe anyone else does. I simply want to express a dissent (in which I believe two-thirds of the business men of the community will concur) from the general unreasoning storm against trusts which as yet is no more than prophetic, without any assured ability in the prophets to foretell.

A politician once remarked that "the Democratic party knows how the land lies on public questions." His opponent replied, "Yes, and the land knows how the Democratic party lies on public questions." This still holds good.

The trusts are organized and carried on by the political leaders whose platform denounces them, most severely. These political leaders and newspapers started the crusade against them, and those of each party are now endeavoring to howl louder than the others, until the people are inclined to believe that a national calamity has occurred, when in reality it is only the roaring in other people's ears.

It is said that Senator Depew, referring to trusts, stated that "7 out of 10 are frauds." Mr. Depew informs me that he made no such statement. On such airy assertions as this the antitrust sentiment is fed.

What the people would like to know is, not that trusts have immense capital, absorb and close numerous concerns and turn men out of employment for a time, but what has been the net result and what will it be if they increase in number. This must be shown by facts in detail. If the trust is to live it will live despite all opposition, otherwise it will die of its own inherent weakness.

88. THE EXTENSION OF FOREIGN MARKETS, ETC.—Under the stimulus of

increased prices for iron and steel products and improved machinery recently introduced in our steel works, one of our officers went in January last to Hawaii, China, and Japan to solicit orders and establish agencies, we having been able during the last 2 years, by reason of our nearness to these and other markets reached through San Francisco, to dispose of steel and iron products in those countries to an amount exceeding a quarter of a million dollars.

The disturbance and uncertainty caused by the passage of the 8-hour law, in connection with a temporary rush of local business, necessitated cabling him to take no orders and make no contracts, and all efforts in that direction have been for the present discontinued, as we can not hope to meet the competition existing if our production cost is to be increased to the extent expected if this law is to stand.

It necessarily follows that all industries in this State having a market through or at the Pacific coast will be entirely excluded therefrom, or greatly handicapped, if 10 hours' pay for 8 hours' work is to be the rule.

66. LAWS REGULATING SCREENS.—In order to fully understand their scope and operation, it will be necessary to explain how coal is at present weighed at some of the mines. Each pit car, as it comes from the mine, is pushed upon the tipple and dumped, the contents passing down over a screen chute through which the slack, dirt, etc., falls, while the "lump" or larger coal passes on into the railroad car at the foot of the chute. The weight of this lump coal is then taken by track scales, and the amount of such weight credited to the proper miner. This operation is repeated with each pit car as it comes from the mine. The miner's wages are adjusted on the amount of lump coal thus produced. In short, he is paid on the basis of the highest grade of merchantable coal produced.

These laws propose to change this entire plan, and compel the mine operator to abandon the use of track scales for such purpose, and put in at the top of the tipple new scales to do this weighing. In effect, the laws prescribe the method by which mines shall be run, and by severe penalties prevent not only the operator but the miner from pursuing any other or better method. That the method of weighing in the railroad car on the track is better and fairer has never been questioned by any person familiar with coal mining, and unprejudiced, be he miner or operator.

The following are some of the reasons for this assertion:

In all mines producing domestic coal, the object is to get as large percentage as possible of lump coal, as that is the most valuable for use, and hence commands the highest price, while the finer coal and slack is either thrown aside and wasted or sold at a mere nominal sum.

Whatever tends to increase the proportion of "lump" coal prevents a waste of the coal.

The amount of coal wasted depends largely on the skill and care of the miner in mining it.

An unskillful or careless miner will make double the amount of fine and slack coal in mining out a cubic yard that a skillful and careful one will, thus practically destroying what is, and might otherwise continue to be, an item of economic value. Or, if the miner is disposed to be dishonest, he can load dirt and rock in the bottom of his car and cover it with good coal.

By the proposed laws they must each be paid the same sum per pound for the contents of their cars, regardless of the skill or care used in its production or of the value of it to the operator, thus offering a premium for unskillful, careless, or dishonest work, to the disadvantage and loss of the operator, and the useless waste or destruction of one of the sources of economic wealth of the country.

At some mines in Colorado where the coal is sold by the "run of mine"—that is, just as it comes from the mine—the miner is paid the same way; also, where the coal is used for coking, the miner is paid on slack and all; but where the coal is screened for domestic use he is paid on screened coal or lump only; in the latter case the price paid the miner is proportionately larger per ton than in the former; but the daily earnings are the same in each case, and no injustice is done to anyone thereby.

Thus where, from the nature of things, convenience or justice requires weighing on top, it is done, and we are unable to understand why any fair-minded legislator should desire to interfere with the proper and systematic conduct of our business.

It is a well-known fact that coal miners do not hesitate to make application to the operators for any change of methods which are desired by a majority of them. This they do for an increase of wages, for the appointment of check weighmen, and the like. If the demand is fair, it is complied with. It is also a fact that no application to operators has been made for "weighing on top," or for any such

changes as these bills contemplate. The great majority of miners are not only content with the present method of weighing, but are opposed to any other as unfair to the skilled workmen. There are always a few restless agitators at every mine who are never satisfied unless they are fomenting discord or devising some plan to cinch their employers, and it is these men, and not the industrious, capable miner, who have made whatever stir has been made in relation to top weighing. If the question were submitted to every coal miner in Colorado, free from any influence upon either side, the majority would be overwhelmingly opposed to any change.

If the change is made, wages must be readjusted on a basis per ton of car contents, including coal, dirt, and rock. The scale or rate per ton for mining must then be reduced, or the selling price increased, as there is not sufficient margin now between the cost of coal and the selling price to bear the consequent increase of cost. The readjustment of wages is always a fruitful source of difficulty between those concerned.

The chief obstacle which mine operators have to surmount in the operation of a mine to its full capacity is the inability to pass the coal over the tipple and into the railroad cars as fast as it is delivered from the mine.

Where the coal is weighed on the railroad car after being dumped, no time that could possibly be saved is lost, as the weight is taken while the pit car is being run back from the tipple and another run on.

If the coal must be weighed in the pit car, the car must stop at the top scales to be weighed before being dumped, and all the time required in doing this is wasted, and if strict compliance is enforced, it would operate to diminish the capacity of the mine quite 25 per cent, and this, in most cases, would retard the mining to the detriment of the miners.

There seems to be no occasion for any legislative interference, even if it could be constitutionally done.

It has been also said that the bill requiring weighing in the pit car does not compel payment for rock, dirt, etc., in the car, but for the coal only. The originator of this thought fails to inform us how the weight of the "coal only" is to be determined in such case, unless the car is to be unloaded and the coal sorted before weighing.

If the miner at "domestic coal" mines must be paid for his slack, there is no incentive for him to prevent waste by careful mining.

The division of the coal into its various grades, the weighing of each grade separately, and the payment of a different price for each is wholly impracticable on account of the time and bookkeeping required to accomplish it.

But it is said that where the miner is not paid for the slack he is not paid for all the coal he mines, and this suggestion, at first impression, seems to be true. But it is not. It is mere juggling with words. The miner is paid for all the coal he mines just as actually as if he was paid by the day, but the basis for ascertaining the amount of his pay is the lump coal, and if his wages are sufficient it is not material how they are arrived at. If payment on the basis of slack and coal is made, it simply means a corresponding reduction of the rate per ton for mining.

A farmer paying for having rails made would naturally want to pay in proportion to the good rails produced and not on those spoiled by careless work, for in that case he would not only lose his timber, needlessly wasted, but be paying for the labor involved in wasting it.

The miner timbers his room, lays his track, etc., for which no specific compensation is paid, but it is all taken into consideration and included in the price per ton paid for mining. There is as much reason in requiring separate accounts kept of these items and pay distributed thereon as in the demand for paying on slack coal.

The carpenter, the mechanic, the cabinetmaker, and the laborer generally when not paid by the day is paid on the basis of the finished work he produces, and not on the amount of material he uses, nor on the sum of his finished work added to the chips he makes. What reason is there for paying the miner for his chips if for his finished work (the lump coal) he receives adequate compensation for his labor? As before stated, the claim must be based on the purely sentimental ground that he should have the total of his product weighed and his pay based thereon, and on this ground alone the legislature is asked to act. It is this abstract sentiment—so seductive in theory, but so useless in practice—that enables the agitator to win the unthinking to the support of this scheme.

Our claim is that the system of weighing at the bottom is the best, fairest, and most accurate system that can be devised; that it serves to unite the interest of the miner with that of the operator and the State, to produce the greatest possible

quantity of merchantable coal of the highest grade and greatest economic value, and at the same time operates to the advantage of the skillful and careful miner.

A distribution of the price paid so as to cover specifically by weight the different grades of coal produced would be a matter of sentiment merely and of no benefit to the miner, but a disadvantage to the operator. If the price paid for lump coal is not sufficient remuneration for the miner's labor, the complaint should be against insufficient wages and not against the system by which the wages are arrived at.

But there is no general demand for higher wages; there can not well be, as industrious and careful miners now earn from $4 to $5.50 per day, and wages are the same as they have been for years.

It should also be considered that of the 3,000,000 tons of coal annually produced in Colorado not less than one-third is sold in adjoining States, and there comes in sharp competition with their domestic product and also with coals from farther East. It is only by the most economical management that this foreign trade has been held by Colorado producers, and the margin of profit has been reduced to a few cents per ton. Every additional expense imposed on Colorado coal production operates to restrict the boundaries within which it can be sold, and consequently decreases the demand.

Much has been said in reference to the miners being overworked and poorly paid, and doubtless some legislators have had their sympathy aroused by such general statements. We can only say in reply to these that our pay rolls will show that hundreds of our miners earn over $100 per month net—that is, after all deductions for powder, oil, and the like (necessary expenses of mining) are made. These, of course, are the highest earnings, because such only properly represents what a skillful and industrious miner can earn, and that, and not what an unskillful and lazy one does earn, is the proper standard by which to test the rate of wages.

While we are ready to and do admit that the coal miner works hard and incurs dangers, it should be remembered that where he labors he has neither heat, cold, nor storms to contend with, but can prosecute his labor the year round in an even temperature, free from delays or inconvenience from the elements, which interfere in a greater or less degree with all above-ground employments. His occupation is a healthy one; he has no taskmaster, but works when and as many hours as he likes, and rests when he feels like it. It is those who rest too much who find time to give their efforts to secure legislation which they hope will, if possible, enable them to rest more.

We doubt if any class of laborers in Colorado earn as much the year round as do the coal miners, and doubtless there are many mechanics who do not earn more.

Some years ago the Wyoming legislature passed a top-weighing law, but by the general petition of the miners it was finally disregarded and remained a dead letter.

If this movement is probed to the bottom, it will be found to rest wholly on sentiment—namely, that the miner's pay should be based on all the coal he mines instead of on lump coal alone. It is not claimed that he will get more pay or that the system of weighing on the track is not fair or accurate.

In an Illinois case the legislature of that State was asked and undertook to compel mine operators to weigh their coal on track scales, just as most of the mines in Colorado are doing now, and against which these bills are directed.

In that case Millet operated a coal mine, using no scales for weighing, and was indicted under the law, but it was held unconstitutional.

Here the legislature is asked to compel us to do the very opposite of what the legislature there was asked to do and did. This shows that all such legislation is simply prompted by freaks, originating with those who do things simply to be doing, and not from any conception or concern as to what is best for those most affected by it.

70. SUGGESTIONS FOR REMEDIAL LEGISLATION.—Whether we regard trusts and combinations, either of capital or labor, as evils or benefits is immaterial so far as remedies are concerned. No great good has ever been accomplished or great evil eradicated by legislation in advance of general public sentiment. It is safer for legislation to follow public sentiment than to lead it in matters of vital importance to the public.

As to remedying labor troubles by the ballot, as has been suggested, I believe it to be radically wrong. The wage questions existing between employer and employee are not political or governmental ones. If they are to be injected into political campaigns by the labor unions and the fitness of candidates determined by their adherence or otherwise to measures affecting particular classes, then all local business affairs had as well be made political and the general and govern-

mental concerns relegated to the background, as was the case in our last legislature, which spent its time in wrangling over labor questions, prize-fight laws, the docking of horses' tails, and the like, but failed to provide funds to carry on the great pubic institutions of the State. If the labor leaders continue to endeavor to get control of legislatures for purely selfish purposes, they will force all other interests to act in the same way, and in that event I think the labor people are likely to get the worst of it.

It will be said that corporations have undertaken to procure legislation in their own interest, but this is not correct in so far as any legislation antagonistic to labor is concerned, and in few instances have they asked anything beneficial to themselves alone. Their main efforts have been defensive—to prevent hostile legislation advocated by demagogues for hold-up purposes. An examination of the laws passed during the last 20 years will show that for every law passed beneficial to corporations alone two or more have been passed beneficial (or intended to be) to labor only.

As I have already said, labor legislation often proves a boomerang, as all legislation is likely to be which is aimed to assist or oppose individuals or classes as such, because it is of necessity too narrow in its conception.

I think, therefore, that the trust question, the labor question, and other kindred ones will regulate themselves if events are left to take their natural course.

Q. (By Mr. RATCHFORD.) You stated in that paper which you read that labor leaders have objected to the incorporation of unions. For what reasons?—A. For the reason that they would be easier reached by the process of the courts.

Q. I would like to have you state to the commission why you make that broad statement, and if you can supply us with any positive proof on the subject.—A. Why, I have heard it stated, or saw it stated in some newspaper reports of labor organizations, where that objection was urged. Of course, I don't think it is material one way or the other.

Q. It should be very material in your testimony unless you know it positively, because it is a dangerous statement to make.—A. Well, I will qualify that by stating that I saw it reported in the newspapers.

Q. Is it not a fact that there is still a greater objection, a greater barrier, in the way of the trade unions—the inability of the unionists themselves to raise sufficient money to cover any damages the court might hold them liable for?—A. No; I do not think that would be a reasonable obstacle, because they can organize without any capital stock at all.

Q. How could they be responsible unless in money?—A. They could not be held responsible in damages if they had no capital.

Q. If they are not held responsible for the violation of their agreement, in damages, against you or any other employer, if they were not compelled to pay a money consideration for the violation of a contract with you, wherein are you protected by reason of the incorporation?—A. As I say, it would operate as a moral restraint, and they would feel that they were related to the State. But unless it was some sort of restraint of the hot-headed ones I don't think it would be of any advantage. Take the church organizations. They have no capital stock, and yet they can sue and be sued; but you can not collect a judgment against them unless they have a church building or some property.

Q. (By Mr. KENNEDY.) I would like to ask you if you believe that a man who is outside of a labor union enjoys real liberty of contract? Can he come to you and have any voice at all as to the rate of wages?—A. Yes; on some things he would have perfect liberty.

Q. You fix the scale, don't you?—A. I say to him, "I will pay you $2 per day," and he can take it or not, just as he pleases.

Q. Suppose all the miners were in the union, would there not be more liberty of contract, would they not have a greater voice in fixing the rate of wages for which they work than now?—A. They might be more confident as to their power in bringing the employer to terms. There is strength in union—there is no doubt about that; but when I speak of the liberty of contract I mean when the employee, like his employer, has the right to work when, where, and for whom he pleases, irrespective of any coemployee; and the liberty of contract is denied by the labor unions when they deny the right of any man to work when, where, and for whom he pleases.

Q. (By Mr. RATCHFORD.) Has any member of your combination, under the rules, a right to go and make contracts with any part of the employees, the miners, without consulting the others?—A. Yes; the general manager can do that.

Q. Can any stockholder do it?—A. No.

Q. The general manager does business for the whole one concern. You would not accord your workmen the same right. That is the application of your argu-

ment; that you advocate the liberty of contract with each individual so far as it affects the miners in the right to work; but you have an organized institution, composed of a number of stockholders who select their officers, their general manager, and the men that you ask or expect to make individual contracts are compelled to come and make these individual contracts with the man chosen by the stockholders of the company to make the contracts with the miners. Have the members, or the stockholders of your company rather, a right to go and make with the workmen such contracts as they please without consulting the other members?—A. They have so far as they are personally affected; but as to the business of the company, the cases are not parallel.

Q. Are they personally interested in all the affairs of the company?—A. No; not in that sense. You could not run any concern without a controlling head. It would not do to let every stockholder in a corporation do as he pleased in the business of the corporation.

Q. Is that not the proposition of the union?—A. No. Our stockholders can do any private business if they see fit, apart from control of the corporation. That is a difficulty which the union miner has—he can not control his private business except by the consent of the union, and if he has no right to personally contract he has no right or liberty of contract; that is the point.

Q. Is it not true that a union miner, in all of the affairs of life which do not concern his union, his wages, or the conditions of employment, has the right and does enjoy the right to transact these affairs without consulting anybody? I mean, of course, except as it affects his fellow-man.—A. If I understand your question, it is this: That except to his wages he is free in all other respects to make his contracts. I think that is true.

Q. Can any of your stockholders go into the markets; that is, are they free to go into the market and cut the selling price of coal without consulting the others?—A. Yes, as to any coal they may own.

Q. (By Mr. KENNEDY.) Would not that injure the other stockholders?—A. I don't know as it would much. They would have their regular market and I don't think it would hurt much.

Q. Can any of the stockholders increase the mining rates or reduce the rates without notifying the company?—A. No; not as to company affairs; we could not run the company an hour with that kind of government.

Q. Now, then, if your company has such rules and regulations as require them to consult each other, how can you consistently deny the same right to the men who have nothing to sell but their labor?—A. I don't deny the right at all. I don't deny the right of a man to join the union, but the cases are totally unlike.

Q. But you do argue in your paper that they should have the right to make individual contracts and you encourage it?—A. I say this right is taken away from the miner, which is not in accord with the constitutions of the labor unions. There is no such right given to the union to say to A or to B that he shall or shall not work for such and such a price.

Q. If I understand their constitutions, they believe in selling their labor collectively, just as the members of your company will agree upon the selling price of a comodity or the wages they shall pay to produce it?—A. Of course, if a man chooses to say that he will not work except for the union price, if he binds himself to do that, that is all right if he wants to do it, but there is nothing in the constitution of such organizations that binds anyone to do it; it is enforced by the labor unions outside of their constitutions.

Q. Is there anything in the constitution of any coal company providing that the stockholders shall consult each other as to the selling price of the product or the price to be paid labor, and that they shall abide by the decision of the stockholders or the board of directors?—A. They give the power in the articles of incorporation to certain officers, to be exercised in certain ways; but the officers' powers are also limited; there is no officer who can say to a stockholder, You shall not go into the coal business personally, or, You shall not sell or mine coal. So also, there is no stockholder in the company who can dictate to the directors what the selling price shall be. As to his company interest he has to sell for the price the managers fix; but there is nothing to prevent him from going into business for himself if he wants to.

Q. If he is a member of the company?—A. That don't make any difference as to his independent business. I say if he is a member of the company—a part of it—he may have or he may not have outside interests.

Q. The point that I want to bring out and bring out clearly is simply this: Why do you deny to others the right that you exercise yourself?—A. I do not.

Q. Don't your paper take that ground?—A. No.

Q. Don't you take it?—A. No.

Q. The coal you have on hand might be dividedpro rata among the members of the company; say the price is $4 per ton, have you the liberty of contract to sell, say to the proprietor of this hotel, 500 tons of this coal?—A. If it has become my private property, I can.

Q. Suppose it is given to you in place of a dividend?—A. Yes.

Q. That is your coal, although you have an interest in the company?—A. I could not sell it unless it was my private property.

Q. Then you have no liberty of contract?—A. Certainly I have. If I contracted for the company as a corporation, I could sell it. The company as a corporation could sell it.

Q. If you went to the company and agreed that the company should sell it as a company?—A. I agree that the company shall control the selling of it when I go into the organization.

Q. The man who goes into the company agrees that the mining company shall rule?—A. Yes.

Q. And a man who goes into a union agrees that the union shall rule?—A. If he goes into it with that understanding and surrenders his right to work where and when he pleases, that is his business, and he should act accordingly; but I say these constitutions don't cover that point; they go outside of their constitutions whenever they compel a man to work only when and where they may say. Their constitutions don't clearly represent the position which they take.

Q. But some of them do agree to abide by the principles of the union just as you agree to the acts of this coal company?—A. Then they should abide by them.

Q. You don't deny that they have the right to demand 10 hours' pay for 8 hours' work?—A. No; I don't deny the right to make any demand they want, just or unjust. Of course, I don't believe it would be the right thing to do, to make unjust demands; but I don't undertake here to say of the 8-hour demand whether it is just or unjust.

Q. Don't you think part of the odium you seek to put on the smelter employees in that paper that you have just read belongs to the operators who decided to shut down, regardless of the interests of Colorado, rather than submit to the demands of their employees?—A. I do not want to be understood as throwing any odium upon anyone. In this statement I simply undertook to state what I believed to be the result of the strike, economically considered.

Q. But you fix the blame of the strike upon the strikers themselves?—A. No, I do not undertake to decide that it is on them at all.

Q. You think it is possible, then, that some of the odium belongs to the operators as well as to those who work in the smelters?—A. I will not undertake to cast any odium upon either side or say who is to blame. I endeavored to make a statement, as I said before, as to the economical result of the strike, without undertaking to say who is responsible for the strike at all.

Q. Do you think that injunctions are sometimes improperly issued?—A. I have no doubt but there are cases in connection with both strikes and boycotts concerning labor troubles where injunctions have been improperly issued, but what I say on that point is, that this indiscriminate cry against government by injunction comes from a lack of the proper understanding of the subject. An injunction is just as much a part of the governmental powers as anything we have, and it is only when improperly exercised that it is subject to criticism.

Q. (By Mr. RATCHFORD.) Did this popular cry against injunctions come from the people before the improper use of injunctions was resorted to?—A. No; I suppose the improper use is what brought it about.

Q. Then, you believe the cry was warranted?—A. So far as the improper use is concerned, yes.

Q. Is it not a fact that only in recent years the injunction has been resorted to in cases of strikes?—A. Yes, because the strikes were fewer before.

Q. Can you point out a case prior to 1880, or back 12 or 15 years ago, where we had any strikes in which the injunction was resorted to?—A. I can not from memory say whether they were or were not.

Q. Well, if they were as generally used then as in recent years, you could recollect that, couldn't you?—A. No, because I was not so intimately connected with labor employment as I have been since then.

Q. Have you known of them being issued prior to 1894, coming down to a more recent period?—A. I recall no particular case, and therefore I could not say; but my impression is that quite a number were issued before that.

Q. Before the Chicago strike?—A. I should say so; yes. I think the law books will show they were issued as many as 20 years ago.

Q. Have you ever known a leader of organized labor who objected to the proper use of injunctions?—A. I don't know that I ever did, but the question is as to what

is a proper use; that is where the controversy largely rests. Of course, I imagine that some men would say the injunction would not be properly used to keep a laboring man off of my property. Now, I think it would be, and there would be a difference of opinion.

Q. I agree with you that no man has a right to trespass upon the property of another man, as a whole; but do you believe it is proper to enjoin men from walking along the public highway or from holding meetings upon their own property?—A. No, I don't; unless the meetings amount to a riot or something of that kind.

Q. If there was such danger present, would it not belong to the proper local authorities—the proper police authorities—to enjoin them rather than to the coal companies?—A. Oh, yes. If it was not a matter concerning the coal companies, I don't know why they should interfere at all. It would be a duty of the police; but any person has a right to avail himself of an injunction if his property is being threatened.

Q. Do you or do you not believe if the men who were engaged in a strike really intended to commit crime—destroy some one's life or property—that the injunction would prevent them from doing so?—A. It would necessarily have some deterrent effect upon them.

Q. Would the punishment be any greater?—A. There is the fear of the restraining process of the courts that would have effect. The service of a writ would create a little excitement to know what it was all about, and everything else connected with the action has a more or less wholesome effect upon everyone because of the fear of the courts.

Q. Is such excitement, in times of strikes, not a bad thing to stir up by people who love law and order?—A. When I said excitement, I did not mean exactly that kind; it would invoke reflection. Of course, I believe that excitement generally should be avoided in times like that.

Q. The arguments made against a semimonthly or weekly pay, in your judgment, largely hang upon the improvident habits of the miners?—A. No; I would not be understood in that way; that is a mere incident.

Q. You have dwelt upon it at some length; that the shortening of the pay day would double the dissipation, double the time lost, and double the loss of comforts to the family.—A. I say it has been so; but I don't mean to say that the double pay day would per se decrease the comforts of the family. The mines shut down in order to pay the men, and even that is a disadvantage, and where it occurs often it increases the days of idleness and the amount of money wasted, as there are generally saloons where the miners go to trade, and a good deal of money is wasted, hence a loss of comforts to the family.

Q. I wish to ask you if the habits of the miners in this regard are better or worse, in your estimation, than the habits of other laboring men.—A. I don't think there is much difference. I would not make an exception even of the laboring man; I would take in the whole population.

Q. Now, in the cities where the men are paid by the week, in some places paid semimonthly, do you find greater or less dissipation than in the mining camps?—A. I do not know about that. That might not be a fair comparison.

Q. In other places, where the miners are paid twice a month, is dissipation greater than in Colorado?—A. I don't know that.

Q. How, then, do you know that the dissipation would be greater in Colorado under a semimonthly pay system than it is now?—A. Simply because it is the making of more opportunities to dissipate.

Q. Is it not a fact that in every State in the Union, and at every time when miners wanted their pay day more frequently, these claims have always been urged by the employers?—A. I think so; yes.

Q. Is it a fact, in your opinion, that whenever the pay day has become more frequent the morals and conditions of the miner have improved?—A. I have not had any experience along that line, and anything I should say on that subject would be a mere guess. The chief objection to the semimonthly pay day in Colorado is on account of the increase of capital required to run the business.

Q. Business reasons?—A. Yes. You take any tradesman who collects his money every day, so far as his convenience is concerned, he could pay every night. Where it is a case of collecting in money every day it makes no difference, but with the coal companies and merchants and a good many others who sell their products on 30 days' time, and don't get any returns for 30 days, to be compelled to pay semimonthly would require them to double their capital, because they only get returns every 30 days, but have to pay over to the employee every 15 days.

Q. Have you ever known of any cases where the coal producers sold their product on 60 or 90 days' time?—A. Well, I don't know, but it might exist. I don't know whether it exists or not.

Q. If it did exist, would it be a fair proposition to ask the miner to wait until the expiration of that 60 or 90 days?—A. No; but 30 days is the equivalent of cash in the business of the country. Thirty days is taken in the commercial world as equivalent to cash. There is another objection which I referred to, and that is where there is a great many to pay it doubles the work to pay twice a month, and every reliable man can get 30 days' credit at the stores if he wants it.

Q. And he could not pay except every 30 days. Under a monthly payment system is it not a fact that a man must sometimes get 45 days' credit?—A. Yes, if he has no money when he first starts in.

Q. And under a semimonthly payment system he must get 30 days' credit?—A. Yes; in starting.

Q. Now, a stranger going into a strange place might experience some trouble in getting credit?—A. They do in any business, so far as that is concerned.

With reference to store orders, company stores, etc., I wish to say that a Mr. Boyce made a trip through Las Animas County and through some of our mines, and came back and said there was a general condition of distress existing among those miners on account of company stores, etc. Now, there has never been any serious attempt, or any general attempt, for the abolition of the company stores in Colorado, and at one mine at Crested Butte, where we operate, the miners claimed they were overcharged by the merchants, so we started a store there that is there to-day. There never was a more bald misrepresentation than has existed in Colorado against the company store.

Q. There has never been any legislative investigation on that subject in your State?—A. No.

Q. Do you know anything as to the result of legislative investigations in other States on that subject?—A. I do not.

Q. Do you know of any such investigations being held?—A. No.

Q. Did I not understand you to state in the early part of your testimony that the agitators and leaders, if they were comparatively few in number, were able to influence all matters of strikes?—A. I said as a general rule the more active members were able to influence. I don't credit it all to the leaders. My impression is that some labor leaders are more conservative than a good many members of the union.

Q. Outside of the union they never succeeded in inaugurating a movement?—A. They never have here.

Q. You stated also that your company did not issue any scrip to your miners, but you did issue store orders, which orders will only be accepted as money in a certain store?—A. I believe at one place there are two stores, but as a rule there is only one.

Q. And that the stores paid you 5 per cent for every dollar which you deducted from the wages of the miners?—A. They pay 5 per cent for the expense of the bookkeeping.

Q. Can you explain to this commission how a store can sell in competition with others and pay that 5 per cent over and above the competitor's prices?—A. The principal reason is this: Our system of stores—there are ten or twelve of them—and they buy a very large amount of goods at a time in Chicago, New York, and elsewhere, at the very bottom prices for the whole system of stores.

Q. Kind of a store combination or trust, is it?—A. You can call it a trust, but that is what they do. They buy by the carload and distribute the goods among the stores, and of course they buy cheaper than a man who buys a less amount. As a matter of fact, several of our stores sell by wholesale to the neighboring merchants in the same town.

Q. Have any of your stockholders an interest in that store system?—A. A good many of them have.

Q. Nominally controlled and directed by the company?—A. In that way, yes; they own stock in them. The real grievance, so far as that is concerned, comes from rival merchants, because the country people trade at these stores because of the variety of the stock. The goods are sold to them at the same price as to the employees, and even if there are no other dealers in the community, they still sell at the same price to the miners and to everyone. We propose that the prices shall not be exorbitant, and that there shall be no discrimination between the miners and the other customers.

Q. (By Mr. KENNEDY.) Organized labor is committed to the 8-hour day, is it not?—A. I think so, and regardless of the law.

Q. (By Mr. RATCHFORD.) In the early part of your paper you make the claim that the reduction in the hours of labor from what they are at present to 8 hours would be an injury to the miners themselves because of the fact that the mines are not in operation except where there are orders; that at certain seasons of the

year they can not run more than half the time; that this injury would result in the employment of 30 per cent more men during the busy seasons of the year.—A. I said 25 or 30 per cent.

Q. I wanted to ask you if the shortening of the hours of labor would make the conditions unfavorable. Where could you draw this 25 or 30 per cent from?—A. When we could not get it we would have to reduce the capacity of the mine. That would be the other alternative.

Q. Is it not equally true that in the mining of coal, no matter where it is mined, it will not stand stocking at the mines, and that it remains in the mines until orders are received for it, just as it does in Colorado?—A. I presume it does to a great extent, except anthracite coal, perhaps.

Q. I am speaking of bituminous coal; that is the general product, I believe. That being the case, the disadvantages, if there be any, in the 8-hour workday would be no greater in this State than elsewhere?—A. The mere question of 8 or 10 hours' workday would not affect the stocking of coal at the mines.

Q. Does not affect it anywhere?—A. They have no relation to each other.

Q. The question of stocking the coal is as impossible elsewhere as here?—A. So far as I know, it is.

Q. Under any system of workday?—A. Yes.

Q. Bituminous coal can not be stocked anywhere, can it?—A. No; not at the mine, on account of the expense of handling.

Q. You spoke of the advantage the Eastern manufacturer would have over you in the iron business if you granted an 8-hour workday to the men engaged in your mills here. Are you aware that the 8-hour workday is in effect in the East only in the iron industry?—A. It may be in some places. It is not in Alabama, and in Alabama is the worst competition we have.

Q. In Ohio, Pennsylvania, and in all States covered by the amalgamated association?—A. But they are not competitors of ours; our competition is from Chicago and Alabama.

Q. Are you sure that Alabama is working on the 10-hour workday system?—A. I am sure of it. That is, I am as sure of that as I am of any other ordinary thing. I would not state it positively.

Q. Are you aware that the coal miners of the Central States, who have all of these disadvantages that you point out, are working on the 8-hour workday?—A. What States?

Q. The central coal-producing States, including western Pennsylvania, Ohio, Indiana, and a portion of Illinois.—A. I don't know whether they are or not. I have no information on the subject.

Q. You don't deny it, do you?—A. No.

Q. In your paper, following after the short workday, I believe you spoke of the production of Illinois.—A. I said the capacity of the mine had to be increased. Some of our stockholders are interested in the Illinois mines, and in order to keep up their capacity they had to increase their equipment.

Q. How is the capacity in Illinois since the 8-hour workday went into effect?—A. I don't know whether it has increased or decreased in general.

Q. You don't know whether it has increased or decreased?—A. No.

Q. When the employers and employees meet together—those who are engaged in the business in 4 or 5 States—and mutually agree upon these things, can it be regarded as an injury to the company?—A. Its effects would determine whether it was an injury to the company.

Q. If it has serious effects or injurious effects, who are most likely to complain about it, those directly interested or those who are engaged in other pursuits?—A. Well, ordinarily I would say those directly concerned. It might have an effect upon those who were not.

Q. Have you learned of any action by the associations of operators who stick to this 8-hour workday in the Eastern States complaining of it now?—A. No, because I suppose when they stick to it the relations and conditions are such as to justify it, and it don't disturb their relations or conditions.

Q. I don't care to question you upon everything in your paper upon which we differ, but I want to ask you if nearly all the arguments offered by you in your paper, and in some cases additional ones, have not always been against the shortening of the hours of labor?—A. I don't know whether they have or not.

Q. Have you ever, in your connection with labor, examined into the arguments that were made by laborers or labor leaders for and against this movement?—A. Yes.

Q. Have you read them in the press?—A. Yes.

Q. Then, you have heard these arguments before?—A. Yes. They are similar on both sides. Each side has said about all there is to say; and when they come to argue the matter again they have to repeat to a great extent.

(Adjourned until 10 o'clock a. m., July 15. The subcommission met at 10 o'clock a. m., July 15. Chairman Bell presided. Examination of Mr. D. C. Beaman continued.)

(WITNESS.) I was asked here yesterday by Mr. Ratchford with reference to the amount of screenings proportionate to the total coal product. I could not give it except in a general way, as I said, without a very long examination of the books. In a general way, at the mines where the coal is screened, the screenings will run about 40 or 50 per cent of the total product. This is from a casual examination of the books, where the screenings go into coke.

Q. (By Mr. RATCHFORD.) Forty or 50 per cent of the output goes into screenings?—A. Yes. I was also asked if I knew about the cost of the production of coal in America being only about 50 per cent of the cost in the old countries and why that was so. I find upon an examination of the report of the Royal Commission of Great Britain and the report of Mr. Frederick Abel that the cost of coal is very high in Great Britain and that the mines are very hard to work; that some of them run under the ocean for a great ways, and that the timber for timbering the mines is very high, so much so that they get it from Norway and elsewhere, and that it is so high in a great many cases that they use wrought iron for timbering the mines, and many other things like that, which greatly increase the cost of production, none of which we have here.

Q. You are speaking exclusively of Great Britain in this respect?—A. Yes.

Q. How about the other coal-producing countries—Belgium, France, and others?—A. That I could not answer.

Q. Where it is sold cheaper than it is in England?—A. That I could not answer. There may be other elements that come in there also, but I don't know what they are, as I did not have time to find any statement that bore on these questions in that respect.

Q. Have you satisfied yourself in your examination that coal is actually half again as cheap at the mines here as it is in those countries?—A. No; I could not find anything that bore upon the relative prices.

Q. What is the cost per ton?—A. I say I could not find any statement as to the relative cost or price of coal, but from the cost of production as given I should say it would be higher there. Just how much higher, I don't know.

Q. Now, before you pass the subject of screens, you say 40 or 50 per cent passes through; what does the miner receive for that which passes through?—A. If it is weighed at the top he receives just the same as if there was no screen; just as for run of mine. If the lump coal is weighed on the track scales after screening, then he receives a proportionate price per ton larger than if weighed on top, so that he gets the same for all that is mined.

Q. Where the miner is paid for screened coal, is the coal ever weighed on the top?—A. Well, it might be in some instances in order to determine the amount of coal that went into coke, but as a rule I think it is not.

Q. The screenings is the measure that is weighed?—A. The lump coal is the measure that is weighed.

Q. What proportion of your entire product is mined upon the run-of-mine basis?—A. That is what I said I could not tell you without an entire examination of the books.

Q. I believe I understood you to say yesterday that your whole run of coal was mined on the run-of-mine basis?—A. No, I did not say that.

Q. The question that I would like answered is this. What does the miner receive for the proportion of coal—for the 40 or 50 per cent that passes through the screen?—A. Well, that depends upon how you regard it. He is paid, as I said, for the lump coal in this case, but the price that he is paid——

Q. (Interrupting.) Is he paid anything for that which passes through the screen in this case?—A. Practically he is, but theoretically he is not.

Q. Please explain that.—A. If the miner has his coal weighed on top, it includes both the fine and coarse coal. We will say that he is receiving so many cents per ton. If 40 to 50 per cent goes through the screen, goes out, and he receives his pay on the lump coal that goes into the car, he would receive double the price; so that he would get the same price for his work as he would if the coal were weighed on top before screening. His wages are the same in either case. So that I say in the last instance, where the coal is screened and the lump coal weighed upon the track scales, while he is not theoretically paid for the screened coal, practically he is in the enhanced price paid him for the lump coal.

Q. Have you any case in which 70 cents per ton is paid for run-of-mine coal?—A. I am not sufficiently familiar with the detail of prices for mining to answer that question.

Q. But the difference in price between the screened and unscreened coal is pro-

portionate to the amount of fine coal in each wagon, is it?—A. Yes. It makes no difference to the miner whether his coal is weighed on top or on the track scales, the difference being made up in the enhanced price that is paid for the lump coal.

Q. But you can not state the proportionate amount of screened coal mined by your company, as compared with the unscreened?—A. No; not as to the total product. At a great many mines we do not screen at all, and part of it we screen, owing to the demand for coke.

Q. Is it your custom to furnish screened coal and unscreened coal from the same mine?—A. Sometimes; yes.

Q. Is the miner aware when he loads his wagon whether or not that wagon will be passed over the screen?—A. I suppose he is, because these changes would not be made on single cars or on the day's run, but would run in one way perhaps for weeks or months. I think probably, on reflection, that the general rule is, on screened coal, to pay the miner on the top weight where the screenings go into coke.

Q. Have you at any time made any permanent changes from the unscreened system, run-of-mines sytem, to the screened system, at any of your mines?—A. I think not. The screen system prevails at the coking coal mines, and at the mines that do not produce coking coal screening is not usually done.

Q. How many different classes of coal have you where you screen it?—A. That depends somewhat on the demand. Sometimes there is a demand for what we call nut coal, which we make by screening; but it is usually a very light and nominal demand.

Q. But the demand can not be satisfied unless there are screens to make it into nut coal?—A. Yes.

Q. Have the lump coal?—A. Yes.

Q. Do you make any pea coal?—A. Yes; sometimes.

Q. Slack?—A. Yes.

Q. Any other grade?—A. No.

Q. Do you secure a normal amount for the different grades?—A. It will run from nothing to a dollar a ton.

Q. Do you sell coal for nothing?—A. Where it is not used for coking it is wasted. Some of it we use in coking.

Q. Has the slack coal any market in Colorado?—A. No.

I said yesterday, I believe, that we had no wage strikes. I meant by that, no general strike of the miners themselves. We had 2 strikes by drivers for some nominal cause; they might be denominated as strikes, but they did not extend to the system at all; it was only among the drivers.

Q. Was there anything said yesterday that you care to change or modify in any way? if so, you are privileged to do so.—A. That is all that I know of now. I have forgotten now whether I said yesterday that our wages are higher than those paid in Kansas for those who work by the day. In Kansas they are $2, and ours are $2.60; so that we pay more than they do.

Q. The average wage for day labor is $2.60 by your company?—A. Yes.

Q. For miners?—A. No; for what we call day men.

Q. Men working on the outside of the mines?—A. Yes; outside of the mines.

Q. What is the average wage of the miners?—A. That, I told you yesterday, I could not give without a very exhaustive examination of the books. I can give you the lowest and the highest, but the average I can not give. The lowest and highest as selected from the books yesterday gives $1.50 as the lowest and $3.25 as the highest paid for day men. At the steel works it runs from $1.40 to $5.28.

Q. I want to ask you in that connection—in reference to the average wages of men—what figures did you give?—A. I did not give the average. The highest and lowest at the mines is $1.50 and $3.25.

Q. Which of those figures approaches the average wages more closely?—A. Well, the highest would.

Q. The highest?—A. Yes; because the lowest men are cleaners-up; they are the cheapest men around the mine; the men that wheel dirt, etc. Mr. Coates said that the Colorado Fuel and Iron Company was charging unreasonable rents, and while I said I could not give the figures exactly without examining the books, I will say that we have had no complaint about the rents. The rents are fixed upon a per cent of the cost of the building. What that per cent is I don't know, but it is reasonable and has never been the subject of any complaint. Now, he also said the blacklist prevailed. I know of no blacklists among employers in Colorado at all. No such thing comes to us. There was also something said about number of strikes. In the labor commissioner's report for Colorado for 1881 to 1888, it is stated that there were 53 successful strikes and 66 unsuccessful ones among the trades, not including other States and not including coal mines. As to our having

ever exacted any agreement or made any contract with any man that came in from another State, not to join a union, we never did any such thing. We have never exacted anything from any employee with reference to a union or with reference to his union relations whatever; nor do we require men to be insured; we make no deductions for insurance and do not make any exactions in that respect.

Now, I said we were able to keep up our mining price of 1893, and there was some question asked as to how we did it. In 1893 we paid a dividend of 1¼ cents on common stock, and we never have paid a dividend on the common stock since then. We have paid since the organization of the company seven years ago practically three dividends on the preferred stock (which is only $2,000,000), and these are all the dividends we have paid since the time of the organization, so that the stockholders have gotten practically nothing out of the business.

Q. Did you not state yesterday that if it were not for your organization you would not have been able to keep up mining prices since 1893?—A. Yes.

Q. It was the only reason?—A. At that time we had to borrow large sums of money to keep things going.

Q. The question was asked you as to how these coal operators who were doing business independently were able to maintain prices, and the report is not clear on that?—A. Well, I will tell you. My statement, as I remember it, was that there were very few independent coal companies operating at that time; the principal one was the Victor Company, at Trinidad. My impression is that there was another company that did run through the panic. Now, as to our shutting down mines on account of the consolidation, as Mr. Smith stated, according to his reported testimony: There were no mines closed or shut down as a result of the consolidation.

If I was understood yesterday as saying that our scrip was discounted, that the scrip on any store or any store order was discounted, as reported in one of the papers, I did not say it. I said that the Colorado Fuel and Iron Company got a per cent from these stores for doing this business, but it costs the miners and employees nothing.

DENVER, COLO., *July 15, 1899.*

TESTIMONY OF MR. EDGAR L. NEWHOUSE,

Manager Philadelphia Smelting and Refining Company, Pueblo, Colo.

At the morning session of the subcommission on mining, at Denver, Colo., July 15, 1899, Hon. John C. Bell presiding, Mr. Edgar L. Newhouse, being sworn, testified as follows:

Q. (By Representative BELL.) What is your business?—A. Smelting.

Q. Where is your office?—A. Denver, Colo.

Q. With what plant are you connected?—A. The Philadelphia Smelting and Refining Company, at Pueblo, Colo.

Q. What position do you occupy relative to that plant?—A. Manager.

Q. How long have you been operating?—A. I am unable to answer that question. I was connected with the company in 1890. I think it was organized 2 or 3 years previous to that.

Q. Has it run continuously since that time?—A. Yes.

Q. About what quantity of ore can you handle? You can run how much in 24 hours?—A. That depends upon the amount of ore we receive, in a large measure. Generally speaking, we aim to smelt from 20,000 to 23,000 tons of ore per month.

Q. What force of laborers does it require to operate your plant?—A. We have now about eleven hundred and some odd men, I think; I have not the figures.

Q. Do you run now to your full capacity?—A. In all departments but the copper department.

Q. The copper department, I understand you to say, is idle?—A. Yes.

Q. What is the cause?—A. Lack of sufficient material to run it with.

Q. How many hours per day do your employees work at this time?—A. Eight hours.

Q. What did they work prior to the 15th day of June last?—A. From 9 to 12 hours, depending upon the various occupations of the men.

Q. The change is brought about by a recent act of the legislature?—A. Yes.

Q. Have you had sufficient experience under the shorter-hour programme to make a comparison?—A. We have not.

Q. What is your impression from the experience you have had for the last 30

days that you have run on the shorter-hour plan? How will it affect the production of your plant?—A. The production will not be changed.

Q. How will it affect the expense of operating?—A. It will very materially increase them; how much I don't know yet.

Q. Is the smelter work operated in such a manner that a man can do an increased amount of work generally in the 8-hour day, or can he only do so much an hour?—A. Just about the same per hour as formerly. It would necessarily increase the expenses in proportion to the decrease of hours. The operating expenses are naturally influenced by the question of hours of labor.

Q. Have you increased the expense of reducing ores by reason of this increase in the cost of operating?—A. Undoubtedly.

Q. That would be necessary?—A. It would be the natural consequence.

Q. How will that affect the industry of the State?—A. That is very hard to tell.

Q. Do you believe it will make the cost of mining more?—A. No; I should not say necessarily so. If treatment charges be increased on certain classes of ore, it shuts off production anyhow; consequently I don't believe that it is the intention of the Philadelphia smelter or any other smelter in the State to raise treatment charges on account of the increased cost of smelting induced by the 8-hour law to the producer of low-grade ore.

Q. Then your increase, if any, would be on that character of ores that could bear the burden best?—A. It is based on the question of supply and demand entirely.

Q. What labor do you use generally, organized or unorganized?—A. We don't ask any questions on the subject. There is no discrimination; absolutely none.

Q. Have you had any difficulty in securing help?—A. We have been able to obtain all the labor we wished for. We adopted the 8-hour basis on the 15th day of June, I think.

Q. You began, then, before the law went into effect?—A. No; on the day it went into effect.

Q. The law went into effect on the 15th?—A. Yes; I think so. My impression is that we posted a notice of the scale of wages on Monday morning, whatever that day was.

Q. How is the smelter industry in the State, prosperous or otherwise?—A. It is the general opinion that the smelters are making a profit.

Q. Your concern has some other plants, has it not?—A. Not in Colorado.

Q. Where are your plants outside of Colorado?—A. At Perth Amboy, N. J., and at Aguas Calientes, Old Mexico. We have two plants in Old Mexico; one at Monterey.

Q. Do these outside plants enable you to more successfully operate your local plant?—A. No; we have nothing to do with them aside from the plant at Perth Amboy.

Q. I didn't know but what they would be able to furnish you with fluxes?—A. That is ancient history. At one time we used to bring in lots of ore from Mexico, but since the installation of the smelters in Mexico very little ore is brought in.

Q. You use lead in fluxing?—A. Lead and copper.

Q. Do you secure sufficient from Utah?—A. Plenty.

Q. Where is your chief base of supply?—A. Silver King and Anchor mines, Park City, Utah.

Q. You don't use any from Idaho, then?—A. Yes; I think we used 7,000 or 8,000 tons of Idaho ores in 1898.

Q. Then you have had no difficulty in getting sufficient lead to flux your ores up to this time?—A. No difficulty. With the increase price of lead has come an increased production of lead ores in the State of Colorado and elsewhere.

Q. Have you had the same line of employees during the last 9 years, generally speaking?—A. I think no change.

Q. Are your men old employees of the concern?—A. As we increase the plants we get new men. We have been increasing the plant from 1896.

Q. What is the habit of your men; are they inclined to save their earnings and build homes near the works and become practically a part of the institution, or otherwise?—A. I should say otherwise.

Q. They usually spend their money freely, do they?—A. The foreign element, as a usual thing, save their money and send a portion of it back to the country from which they came for the support of their people there. The American element, as a rule, either takes care of his family or spends his money in the saloons.

Q. And there is not much home building around your works?—A. Our works

are located some distance from the city of Pueblo, and we have around the works quite a number of houses and two or three large boarding houses. A large number of our men, a large percentage of them, are single men and board at the boarding houses.

Q. Then you furnish houses?—A. No; we have no houses at all of our own. That is an independent enterprise entirely.

Q. About what proportion of your employees, so far as you can estimate, are native Americans?—A. I have no idea. I never inquired.

Q. You could not approximate as to the foreign element?—A. I could not.

Q. You have some?—A. Quite a number. Around the blast furnaces, generally speaking, are Americans—men born in this country; around the roasting department we have Austrians, Italians, and a very few Americans.

Q. Do the foreigners stand the heat better than the Americans?—A. They seem to be better adapted for that class of work.

Q. Have you tried colored labor to any extent?—A. We are not trying it very much, and what we have tried we don't like particularly.

Q. What is the objection?—A. A lack of ability for continuous work.

Q. Have you had what is known in the country generally as the store-order system in connection with your plants?—A. There is a store in the town of Bessemer which we protect; that is, they notify us at the end of the month how much each employee has bought at the store, and that amount is deducted from the pay roll of the men. They O. K. the bills; that is, as to the amount due, and then it is deducted from their wages.

Q. Have you any specific arrangement with the store other than your protection?—A. Nothing further.

Q. Have the members of your company any stock in the store?—A. None whatever.

Q. Do you get a percentage from the store for keeping the books or anything of that kind?—A. Nothing further than paying the clerk, I think, who takes care of the deductions, a certain amount each month for taking care of the matter.

Q. And there is no profit realized out of the store, no profit to the members of your company?—A. No, the company has nothing to do with the store.

Q. (By Mr. RATCHFORD.) What, in your opinion, do the men pay to the clerk for his work? What percentage of the whole deduction is paid the clerk?—A. It is merely a nominal amount, $20 or $25 per month.

Q. Does that amount to 3 or 5 per cent?—A. It would probably be only a part of 1 per cent. It is simply a nominal sum for the clerk to make the proper deductions and keep the money for the merchants.

Q. Would you consider that 5 per cent was too much to charge, in a situation of that kind, for making these collections?—A. I have not given the matter any thought and I should not like to say. I don't know the merchants, or the profit of the store to them at all.

Q. (By Representative BELL.) What Mr. Ratchford means is, if the store should pay 5 per cent for the work of making the deductions and doing the bookkeeping, would that be excessive?—A. Yes, altogether too much.

Q. Would that be too much for the bookkeeping?—A. Yes, I think it would.

Q. (By Mr. RATCHFORD.) How do the wages at present compare with the wages paid when you first became connected with the Philadelphia Smelting and Refining Company?—A. The wages we are now paying are higher than we have ever paid at the Philadelphia smelter.

Q. How is the purchasing power of a dollar now as compared with the time you began in the Philadelphia smelter?—A. The purchasing power of a dollar has varied so much in the last few years that it is hard to say. In 1893 it was one thing and in 1890 it was another. In 1890 we had good times and in 1893 we did not have such good times.

Q. Is it your idea that the employee generally can take his wages to-day and buy more of the necessaries of life for a dollar than he could 9 years ago?—A. I don't believe he could do any more to-day than he could in 1890. That was a particularly good year. I should say that he could not buy as much to-day with a dollar as he could 3 years ago. Everything has gone up—the cost of living and everything else.

Q. What would you say as to the relative social condition of your employees now and when you became connected with the institution?—A. I can not see any change.

Q. Is the inclination to improve or retrograde? The general workingman, I mean. Is he inclined to save his money better or spend it more freely?—A. I can not see any change.

Q. You have not seen any of the influences of organized labor in your plant?—A. I don't quite understand that question.

Q. I understand from your former testimony that you have not observed any influences of organized labor in your plant because you have taken no notice of it?—A. No.

Q. You don't know whether your employees are organized or unorganized?—A. There is a certain class of organized labor we have encouraged, more particularly the masons. We employ quite a number in our works continuously.

Q. What is the reason for encouraging organized labor in the masons?—A. We have seen demonstrated in the past that the best workers in this State are members of the unions, and as we want to obtain the best we go to the unions and ask them to furnish us with men for certain kinds of work as it comes up.

Q. Then you are a patron of the union?—A. Of the masons' union.

Q. Now have you observed a like condition among mechanics, or have you not investigated that?—A. No; the only union, as I say, that I have known, and which we prefer to deal with absolutely in the employment of our men, is the masons' union.

Q. Then is it your idea that unions are founded upon the principles of efficiency?—A. The masons' union, yes. The others I am not familiar with.

Q. Then I suppose the logical conclusion would exist as to any other union, based upon like principles, that it would be advantageous to the employee as well as to the employer?—A. On like principles, yes.

Q. Have you had any occasion to import help from other States, in the Pueblo plant?—A. Never.

Q. How do you find it in your Mexican plants; do you import labor there?—A. We have imported labor there.

Q. What kind of labor did you import into Mexico?—A. Italian.

Q. Is he better than the native Mexican?—A. We have stopped the use of the Italian. We don't find him satisfactory. We have stopped importing Italian labor into Mexico.

Q. Where did you import from?—A. New York.

Q. You use the Mexican labor?—A. Yes.

Q. And it is preferable to the Italian?—A. We have found it so. That is, taking all things into consideration.

Q. Do you employ any children?—A. No.

Q. Do your men work 6 days in the week?—A. Seven days.

Q. Sundays also?—A. Yes. We stop the work all we can on Sunday, but a portion of the furnaces we continue right along because we can not stop them; but the smelting of bullion, etc., and various construction work is all stopped on Sunday to give the men a chance to rest.

Q. What do you do for the relief of the roasting men; do they work 7 days per week throughout the year, or do they have a relief?—A. They work 7 days per week right along, but I could not say that they work right through the year, because when men can work in that way they will work until they fail, and then they need a rest and they will take a rest for a week or two and then come back again.

Q. Outside of that your men generally work right along?—A. Outside of the natural rest that men have to take, they work right along.

Q. What is your judgment about the shorter work day being advocated here, of 8 hours?—A. I can not say as to any other plant except the Philadelphia smelter. We are peculiarly located. If a man works 12 hours per day with us he has to come from town, Pueblo or Bessemer, to the works; he has to get up in the morning at 5 o'clock and goes home at night ready for his dinner at 7, he is practically 14 hours away from home from the time he starts out from his house after breakfast until he reaches home for supper; we think that is too long and we are glad of the change, and to work the 8 hour shifts where we have been working the 12 hours.

Q. Is it your judgment, from your standpoint as an employer, that 8 hours is a reasonable time for labor of that kind?—A. Twelve hours' labor at a smelter is a misleading term. The man employed at the furnace will attend to his work and sit down and wait until it has to be attended to again. Twelve hours on duty would express it better. Six hours of labor would comprehend the full amount of labor on any 12-hour shift, and is all that any man can stand, I think, for 1 day's work.

Q. Then, if the work was continuous in these arduous vocations there, 6 hours would be enough?—A. Or 8 hours, if he were working continuously; but that is an impossible proposition, for he could not do it; it is not human nature.

Q. How about your other men?—A. The other men should work 10 hours, and each would prefer, I believe, to work 10 hours a day.

Q. Why?—A. Because their work is not one-half so hard as that of the other

men, and because they would get larger pay for the 10 hours' work than for the 8 hours.

Q. Then it is your opinion that with the shortening of the hours there must be a shortening of the wage?—A. Yes; that is a necessity.

Q. What is the condition of smelting, as to improved methods; are the methods improved very generally?—A. Yes; there has been a vast improvement in the last year.

Q. Has that improvement a tendency to increase or decrease the number of workmen?—A. The improvement has been largely metallurgical, and mechanical roasters have been largely introduced into the smelters, which have naturally taken the place of labor.

Q. If the recent machinery has had a tendency to decrease the labor, has it not had a tendency to put more men in the mines to produce ore?—A. Yes.

Q. Do you think these improvements have been a benefit on the whole and have had a tendency to make the employment of more labor, or to take employment from labor?—A. Generally throughout the State to employ more labor. I can give you an idea: When the first carload of Cripplecreek ore was taken out the treatment charge on that ore was, I believe, $14 per ton. For the past year the smelters have been taking Cripplecreek ore as low as $6.50 per ton for treatment charge.

Q. That would naturally increase the production and the number of men employed in mining and handling the ore?—A. Yes.

Q. Do you insure your men?—A. We do.

Q. Have you a system by which you tax the men for the price of the insurance?—A. We do.

Q. Have you any objection to giving the commission your system and its workings?—A. That is a matter that Mr. Guggenheim attends to himself entirely, and I am really not familiar with it.

Q. Do the men raise any objection?—A. None whatever.

Q. How much does the insurance cost?—A. I believe there is a small amount per month; 65 cents per month, or something like that.

Q. And what insurance does that buy?—A. I am not sure whether it is 65 cents or $1 per month. As I said, I am not familiar with the business. It is done by Mr. Guggenheim. It is either 65 cents or $1, but I don't know what insurance comes with it. When the men are sick we take care of them. When an accident occurs the benefit members have certain premiums for their families.

Q. Do the men acquiesce in that?—A. We have had no complaints.

Q. Have you any hospitals?—A. We use the Sisters hospital in Pueblo.

Q. Do the men contribute to that?—A. Yes.

Q. Is it taken out of their wages monthly?—A. Yes; so much a month.

Q. Do you know the amount of the contribution?—A. Sixty-five cents for the hospital dues.

Q. Is it acquiesced in?—A. We have had no complaint.

Q. What is your judgment as to these precautions; are they generally beneficial to the men?—A. Undoubtedly. The men would not continue under the conditions without they had a doctor to look after them.

Q. You have a company doctor whose duty it is to attend the men on call?—A. Yes, and their families.

Q. Now, do the men feel favorable toward this general system?—A. I think they do. There has been no complaint.

Q. What is the tendency of your men, so far as you know, toward schooling their children; are they inclined to send them to school and to better the social condition of their families and build up their physical condition?—A. As I have said, a large proportion of our men are single. I don't think it cuts very much figure with our men down there as to whether they send them to school or not.

Q. Have you schoolhouses near the works?—A. Yes.

Q. Is school kept there?—A. Yes.

Q. Are there any libraries connected with your works in any way?—A. No.

Q. Have the men any library accessible to them?—A. None but the city library.

Q. You don't know whether they have a union that keeps up a library?—A. I do not.

Q. Have you any idea as to the amount of capital invested by your smelter company in Colorado?—A. The company is capitalized at $1,125,000.

Q. Is that represented by machinery largely, and improvements, and machinery for smelting ores?—A. Yes.

Q. It is not made up somewhat by what is known generally as watered stock?—A. We have no watered stock.

Q. It is an individual affair?—A. Yes.

Q. Is it incorporated?—A. It is incorporated. There is a stock company, based on the capital invested in the operation of the plant. The capital invested is so much larger than the capital stock that there is no question of watered stock. A million and a quarter covers very nearly the cost of construction, without the carrying capital at all.

Q. It requires quite as much capital to carry on the business as to build the plant?—A. Yes, and a good deal more.

Q. Are you familiar with the general condition of business in Colorado sufficiently to draw a comparison between smelting of ores and other lines of business; that is, as to the productive capacity and the profits?—A. I take it that the operation of the smelters is a very good indication as to the good or bad times in the State of Colorado. When the smelters are running fully it shows that the mines are producing; and when the mines are producing the railroads are carrying the production; when the mines are producing the men have plenty to eat and drink and to clothe themselves with; so that when you see the smelters of the State running to their very fullest capacity the State itself should be in a very healthy condition.

Q. Very few smelters are running now outside of yours?—A. Very few, unfortunately.

Q. Can you explain how the causes that shut down most of the smelters in the State missed your plant or failed to close it also?—A. I see no reason why the Philadelphia smelter should not continue to run continuously. As to the operation of the other plants I can not say.

Q. You don't know of any reason or general reason preventing the other smelters from running?—A. No.

Q. There has been no legislation that would necessarily cripple the smelting industry, in your judgment?—A. A smelter is simply a middleman. He takes the ores from many mines and handles many products. He charges a certain amount for treatment, based upon the general character of the ore. If a smelter should increase his treatment charges so as to close down a large proportion of the mines of the State, in order to make a profit on his investment, it would work a great hardship on the State. As I understand it, the smelters can not afford to increase their wages so materially as to change from 12 hours to 8 hours a day—which would mean a one-half higher pay roll—without crippling the whole mining industry of the State.

Q. Then you are of the opinion that, should an increase of that kind be demanded, there is a cause for shutting down the smelters?—A. If the employees of the smelters demand the same pay for 8 hours that they have been receiving for 12 hours; but they do not.

Q. You have had no demand of that kind?—A. No.

Q. Don't anticipate any trouble of that kind?—A. No.

Q. Do you know of any other smelter having had such a demand?—A. I do not.

Q. How many individual smelters have you in Pueblo not in what is called the trust?—A. The Philadelphia smelter and the two smelters belonging to the American Smelting and Refining Company are the only smelters in Pueblo.

Q. Then your smelter is the only one operating in Pueblo at this time?—A. I really don't know, but I am under the impression that it is.

Q. It is generally proclaimed by the people and the press that those belonging to the American Smelting and Refining Company, with the exception of the Bimetallic at Leadville, have closed down.—A. I believe that is true. I know nothing to the contrary, or except as the papers state.

Q. Do you know of any reason operating on the other two smelters in Pueblo that makes it necessary for them to close down?—A. I am not familiar with the business of the American Smelting and Refining Company.

Q. I do not presume you are, but you know of no reason that makes it necessary for them to shut down?—A. I know of no reason why they should shut down. I know nothing whatever of the affairs of the American Smelting and Refining Company.

Q. You say you know of no reason why they should shut down?—A. No.

Q. Does your company have to meet the product of this company in competition, the resultant product?—A. Yes; the finished product.

Q. Do you have to sell for the same prices generally?—A. Yes.

Q. Have you any advantage over them in the production or securing of your raw material?—A. None that I know of.

Q. They are able to buy it as cheaply as you are, are they?—A. The miner always sells to the place where he can get the best treatment charge for his ore.

Q. You don't know of any advantages they have over you in that connection?—A. I can not see any.

Q. If they have no advantage over you, and are getting the same price that you are for the finished product, is there any reason why their plant should be idle that you know of?—A. I must decline to answer that question. It pertains to personal matters which I am not at liberty to discuss.

Q. Well, I will put the question in another way—one which you may feel at liberty to answer.—A. I shall be very glad to answer it if I can do so consistently.

Q. The cost of your raw material is the same as the other smelters pay, the price of the finished product is the same as that received by the other smelters; please explain why you are able to run your smelter while the others are idle.—A. When the question came up about the Philadelphia smelter adopting the 8-hour law, as recently passed by the legislature, and which went into effect about the middle of June, the policy of M. Guggenheim Sons, the owners of the Philadelphia smelter, the question arose as to putting the 12-hour labor on an 8-hour basis, giving the men the privilege of working 8 or 10 hours as the case might be. When this matter was suggested to the men, they said: "Well, we don't know whether this law is constitutional or not; we don't want to get before the grand jury; we don't want to get into trouble. Let us work 8 hours, and give us a little increase over the other wages, so that we can have living wages during that time."

We agreed upon that for the summer months and our notices were so posted at the works for the summer months, from June 15 to September 15, and the schedule of wages that would be in effect at the works of the Philadelphia smelter was mentioned, saying that the 12-hour men would receive certain wages for 8-hour labor. This schedule of wages seemed to satisfy the men. The 10-hour laborer, not wishing to work over 8 hours, and not being able to live on the old wages at that rate, came in on the wages for 8 hours on the hour basis; and we put into effect what we call the blast-furnace schedule until the question of the constitutionality of the 8-hour law was decided upon, all over the works. The men seemed satisfied and are working upon that basis to-day.

Q. You have told your relations with the workingmen. The point I wish brought out is simply this: I want to know, in view of the fact that your raw material costs you about the same as it costs others, and you have to meet the competition of other industries with your finished product, how are you able to run to-day under conditions that have closed the other smelters down? Can you explain it, or don't you care to?—A. I don't care to enter into the subject any further than I have explained why the Philadelphia smelter is able to run.

Q. Do you believe that your business is run to-day at a reasonable profit?—A. We are going to try and find out. We don't know. It has not been running long enough to find out.

Q. Were your company satisfied that there was no profit in it, would the smelter be in operation? Are you running it for profit or are you running it for another purpose?—A. This change from the 12-hour day or the 10-hour day, as the case may be, to the 8-hour basis is a very uncertain proposition, and we don't know yet whether it will pay or not; but we are going to try it. In the meanwhile the miners of the State and our patrons who have been sending their product to us for a great many years are able to have a market for their product, whether we make a dollar out of the operation or not. We hope to be able to make a little money, but whether we can or not, I can not say at this time. If we can not, something will have to be done. What it will be I don't know, but we are in hopes that things will adjust themselves by themselves and without the aid or interference of any outside affairs.

Q. (By Representative BELL.) How do the tax laws affect your industry?—A. I have not the faintest idea.

Q. You have heard no complaint from your company about excessive taxes?—A. None whatever

Q. So far as you know, the tax laws of the State do not discriminate?—A. We have no fault to find in that respect.

Q. Do you know of such a thing as discrimination in freight rates affecting the mining industry of Colorado?—A. I know nothing whatever about the freight situation.

Q. So far as you know, everybody gets equal treatment?—A. So far as the Philadelphia smelter is concerned, it pays the tariff rates as published by the railroad companies.

Q. Do you know whether any mines have closed down in Colorado by reason of the recent closing of the smelters?—A. Quite a number.

Q. Why are these mines closed?—A. No market could be afforded them for their product.

Q. As a general proposition, is it your judgment that the consolidation and

concentration of the industry results beneficially or otherwise?—A. The consolidation of the industry embracing every particle of competition is bad, in my judgment; but the consolidation embracing from 60 to 70 per cent of the producing power of a certain commodity is a very good thing, in my opinion.

Q. Why would you say that is a good thing?—A. It does not wipe out competition, and at the same time it cheapens the production.

Q. Then you think that where there is a healthy competition of 30 per cent, it will check the great power that may be wielded by the concentration?—A. Yes, and it would be very beneficial.

Q. Are there any laws outside of the 8-hour law in the State of Colorado that affect your industry unfavorably?—A. I am not prepared to say that the 8-hour law affects our industry unfavorably. Aside from that there is no law that affects us that I am aware of.

Q. I understood you to say that should the men demand a like wage——A. (Interrupting.) But I said they didn't.

Q. If you should require a reasonable wage and the 8-hour system, you don't think that would affect your industry injuriously at this time?—A. No. The men who were working 12 hours were in favor of working 8 hours, but they did not wish to go back to the 8-hour wage basis.

Q. Is there any overproduction so far as the precious metals are concerned—the finished product?—A. This is attended to in New York; I am not familiar with it.

Q. You don't know whether there is any great surplus of gold, cinnabar, copper, zinc, silver, or anything like that?—A. No. It has not come around our way, if it is so.

Q. Has the cost of refining and smeltering ores been materially reduced since your organization?—A. Yes; every class of metallurgical work which comes there. Experience, improved machinery, metallurgical work, etc., has all tended to cheapen the cost.

Q. How is the sanitary condition of your works?—A. Very good; excellent in every way.

Q. Do you pay strict attention to sanitary measures yourself?—A. We have built hoods over our furnaces, and have exhaust fans for taking out the nauseous gases, and we find that the health of our men during the past few years has improved wonderfully, so that they generally continue at the work a great deal longer than before.

Q. Do you know of anything that has injurious effects upon the industry of smelting ores that would be advisable to change by state or national laws? Have you any suggestions to make?—A. I have not.

Q. (By Mr. RATCHFORD.) You have stated that the cost of operating the plant on the 8-hour workday is greater than on any other workday; would you care to explain wherein that expense is added?—A. In the cost of the labor.

Q. Is that the only expense, the one item?—A. Yes.

Q. You are understood to have stated also that the workingmen have not asked 10 or 12 hours' pay for 8 hours' work.—A. They have asked us nothing except to give them living wages, which we have aimed to do.

Q. Is that on the basis of the 8-hour workday?—A. On the 8-hour workday.

Q. How, then, can it be more expensive if they work on the basis of the 8-hour workday?—A. The furnace can only put through a certain number of charges during the day. If we work a man 12 hours a day he puts so much ore in the furnace per hour and consequently runs through more ore in a day than if he worked under the 8-hour system. More charges can be run through the furnaces in 12 hours than in 8, consequently to do the same amount of work under the 8-hour basis we have to add one-half more men, which increases the cost of smelting.

Q. How many shifts do you run on the furnaces?—A. Three.

Q. Three shifts at the present time?—A. Yes.

Q. How many before the recent change?—A. There were 2 shifts on prior to the change, working 12 hours each.

Q. Now you have 3 shifts on?—A. Yes; working 8 hours each.

Q. Your furnaces are in operation all the time. Formerly you paid your men on the 12-hour basis and now you pay them on the 8-hour basis. You pay the 3 men, according to that, the price that the 2 men formerly received?—A. No; with all due respect to you, we do not. We have increased.

Q. I understood you to state, and the records will show it, that you are paying on the 8-hour basis?—A. We are paying them for 8 hours' work, but a different scale of wages.

Q. You have reduced the wages in proportion to the number of hours reduced, have you, or have you not?—A. Men who formerly received $2.25 per day for 12

hours' work are now receiving $2 per day for 8 hours' work; the men who received $2 per day for 12 hours' work, now receive $1.80 for 8 hours' work.

Q. Then, to make it plain, the reduction in wages has not been commensurate with the reduction in the hours of labor?—A. It has not. That is what I meant by saying that we aimed to give the men living wages for the 8-hour work.

Q. You have stated in part of your testimony that the cost of living had increased?—A. I know that in the past couple of years it has. Everything is higher to-day than before—that is, in Colorado.

Q. Do you know of any better reason for an increased rate of wages than the fact that the cost of living has increased?—A. Never in the world.

Q. That of itself would seem to justify the increase of wages, would it not?—A. We intended to increase the wages on the 1st of June, independent of the 8-hour law, 10 per cent over what they had been formerly.

Q. The difference in the price of labor now from that which, if increased, you had intended to pay, would make a difference in the wages commensurate with the reduction now, would it not?—A. No; the increase in our running cost has been 30 per cent. Suppose a man was getting $2 per day; we proposed raising his wages to $2.20 per day, or 10 per cent, for 12 hours' work. Now, you take that on the hour basis and divide that amount by 12 and you can see how close it comes to what he is getting now, $1.80; and that instead of an increase in his wages of 10 per cent or 20 per cent they have been increased 30 per cent—that is, taking it on the hour basis; 35 per cent—something like that. It is over 30 per cent.

Q. You have stated that it is the general opinion that the smelter industry is making money.—A. Has been making money; yes.

Q. Is it your opinion that such a condition is still present?—A. I think I explained that I did not know anything about it. I hope we are going to do all right at the present wage scale, but I don't know anything about it.

Q. It is an experiment?—A. It is an experiment entirely. We are now waiting to see how we will come out on it. We are going to try it 3 months, and by that time we will know.

Q. I want to revert to the matter of reduction for stores. You stated, I believe, that members of your company were not connected with the store either directly or indirectly?—A. Yes. Neither directly nor indirectly—that is, the firm of M. Guggenheim Sons.

Q. In case of orders being asked by the workingmen, are the orders given by the company upon a single store, or can the workingmen get orders upon any store?—A. We simply protect one store and one boarding house. It is only a question of time and ability to keep the books properly. We have not time for any more.

Q. Is there any complaint made by your workingmen that has reached you upon that score?—A. No.

Q. The amount paid for the collection of this money is only a part of the salary of the clerk?—A. Well, it is a little per cent they allow him for attending to the accounts for them. The boarding house is the same way.

Q. If there is a charge of 5 or 6 or 7 per cent for the collection of that money, who, in your judgment, would have to pay it finally, the man who bought the goods or the man who sold them?—A. I believe there are two sides to this question; one, the side of the storekeeper; he knows that he is going to get his money, and therefore can afford to sell his goods at a less price than if he took chances. The other side is that of the workman, who says to himself, "The merchant has got to pay for the collection of his money, consequently I will have to pay more for my goods than I would have to pay by going to any other store in town."

Q. We want a comparison made between an institution of this kind, whose money is good at all times, and where there is no loss by reason of credits, and the institution that is doing business strictly upon a cash basis and which has no loss in credits; if one is paying some one 5 per cent to collect its bills, an item of expense which the other one does not have, does not the consumer who buys his goods of the first institution mentioned have to pay that expense?—A. I think you are presupposing something that does not exist. I don't know of any store in Colorado that sells its goods for cash without some credit. If it were true that everything is sold for cash, I would say yes; but no store is going to sell in competition except for a legitimate profit.

Q. If one has 5 per cent added to its expenses that the other has not, it can not do business as successfully as though that item were not present?—A. That is presupposing the proposition is true; but it is not true in this State, so far as I know, so far as the cash payments are concerned.

Q. Do you mean that every store in Colorado has bad debts?—A. I should say so absolutely. I don't know of any store that does not carry its customers.

Q. Have you ever known a store kept by a company which had no bad accounts,

or one protected by a company that did not?—A. I have not. I find that is usually figured in the question of sale. In this case the bills are always sure, so far as the men O. K. them.

Q. Is not that one of the strongest reasons why the man conducting the store can sell his goods as cheaply or cheaper than the man who has bad debts and accounts?—A. I have investigated the subject, and I find the store selling goods to the men in Bessemer at the same price exactly as they can be purchased in any store in Pueblo.

Q. The man purchasing gets an equal quality?—A. So far as I have been able to learn.

Q. About the masons' union; to what extent have you entered into conferences or agreements with the masons' union, or negotiated with it?—A. None whatever.

Q. You have found in your dealings with them, such as you have had, that they have been satisfactory?—A. We have a good mason who is a member of the masons' union. When we need any men in his department he gets them from the union, because it is a criterion to him and to us that they are good workmen.

Q. You spoke of the members of that union; are you conversant with it?—A. No.

Q. Don't know wherein they differ from the members of any other trade organization?—A. No, I don't know anything about it.

Q. Have you ever discovered the principles of their union?—A. I have no idea what they are. I know that the men, where we have employed members of the union, have been very satisfactory workmen.

Q. The reason I asked you the question as to the principles of the union is, to explain to you, the broad statement has been made here before this commission that organized labor does not stand upon its own declaration of principles. You have not found such to be the case, have you, so far as you know?—A. So far as I know, no.

Q. As to the insurance you spoke of; are we to understand that this insurance existing at your works is compulsory upon the employees?—A. Their employment is conditioned upon their connection with it. We have always made the condition, and the men have never complained. The insurance company has paid all claims, and that is all I know about it. There is a notice posted about the works that such and such a reduction shall be made for hospital dues and insurance dues, and a contract entered into by the men before employment.

Q. Let me ask you why your company interests itself in the insurance question?—A. As a protection to the company entirely.

Q. As a protection to the company?—A. Yes.

Q. Does it exempt the company from liability?—A. Yes. The Employers' Liability Association, for that money, obligate themselves to take the risk of any action for damages that may happen about the works.

Q. At the same time you believe it to be a good thing for the workmen?—A. They don't seem to object to it. They don't really care much one way or the other how they get their insurance. They seem well satisfied and contented. We have never had any complaint on that score whatever.

Q. Do you think they receive better treatment than they would otherwise receive in case of accidents?—A. I would not say that; no. I would say they get good treatment. As to what they would otherwise get I don't know.

Q. Do you think a man that is left to take care of himself and receive all his wages in cash is liable to look to his physical wants in case of accident as well as they can be looked after in the other case?—A. If an accident occurs at the works the men know that the smelter is behind them in obtaining their money from the insurance company, so that they get their money promptly and are properly taken care of in the interim, all of which the company practically guarantees by its relations with the insurance company.

Q. I understand you have stated in effect that the trust or combination that will control entirely the trade in which it is engaged is injurious to the community?—A. Yes.

Q. You believe in a combination that will control 60 or 70 per cent of that trade?—A. I have seen that they have been the means of reducing the cost of certain materials furnished to mankind.

Q. If it be a good thing to control 60 or 70 per cent all in one company, why is it not a good thing to control 80 or 90 per cent?—A. It is a question of competition.

Q. Is not a single firm controlling 70 per cent of any given article in a position to control competition?—A. I think not.

Q. Why?—A. Because the other plants or organizations utilizing the other 30 per cent of raw product are in the market continuously and operating, and the increase in their business and in their margins would give them a good profit and permit them to remain in the business.

Q. You are assuming that the other 30 per cent are organized and doing business under one head?—A. No. They have a right to make it as well as anyone else, and if they saw the profit in the business and the prices going up they would increase their plant in order to make more money, and thereby the question of competition arises and cuts the prices down.

Q. Do you believe that the effects of the Standard Oil Company, the sugar-refining companies, and the whisky trust, on the market, have been beneficial to the people?—A. I do. All of these trusts are organized on the basis of 60 or 70 per cent of the output.

Q. Has it not been the general experience that by the organization and operation of these trusts rival competitors are sometimes crushed out of business?—A. Yes. In those cases there has been no margin in the production of the material, and the rest of the citizens of the earth have had the benefit of the lower price of the material. As soon as the trust crushes out the opposition and raise prices so that there is a better margin and a good investment, competition starts up again and the price consequently goes down. That is the reason I say that when a trust is formed on 60 or 70 per cent it affords proper competition and a proportionate regulation of the prices of commodities.

Q. From that it would seem that the trust will regulate prices after having gained control, and the rival merchant will then spring up and will be the competition it has to meet?—A. I think that is true.

Q. If it has no competition and prices go to a high point——A. (Interrupting.) Then competition springs up.

Q. To the point at which their conscience is touched?—A. No; to the point at which competition springs.

Q. And competition would start on the day, week, or month that the price reached a certain point?—A. That is true; but there is this that I would like to have you take into consideration about any trust such as we have—that there is generally an enormous amount of capital invested and usually a large amount of time is lost in building up a business—and you must give proper credit to the brains and intelligence of the people who control trusts; they are usually men of vast experience and men who have the welfare of humanity at heart just as much as the ordinary being. All that a trust demands, as a rule and under proper conditions, is a certain interest on its investment, and when it gets that it is satisfied and the people operating it as a rule are satisfied.

Q. I want to ask you whether the reports of the press in reference to a certain Government official using his influence with the smelter men of Denver and of the other places generally, in favor or against their treating with organized labor, have come to your notice?—A. A Government official?

Q. Yes?—A. Nothing whatever.

Q. Has any Government official tried to use his influence with you or your company for or against treating with the organized labor of your State?—A. The subject has never been discussed with us by any Government official.

Q. Did you see the report in the papers?—A. I never saw it.

Q. You say the subject has never been discussed to your knowledge?—A. Never has been discussed, to my knowledge.

Q. (By Mr. KENNEDY.) It was stated before the commission the other day that the company which you represent is a trust, and has 125 millions in capital back of it.—A. The Philadelphia Smelting and Refining Company is owned by M. Guggenheim Sons, of New York. As to what they may have behind them I don't know. Their money is invested in the business and their money carries the business. It is owned exclusively by them—7 brothers.

Q. How long since was it that you stopped sending Italian labor to your works in Mexico?—A. We tried to import them from New York to Monterey, but we were not pleased with the result.

Q. Would you state about how many men you sent?—A. I don't know at all.

Q. Was there a considerable number?—A. Could not give the number.

Q. In securing that labor in New York did you make arrangements with the individual Italians or the representatives of the men who were there?—A. I don't know.

Q. Were they fresh arrivals from Italy?—A. That I don't know, either.

Q. You don't know, then, whether the contract system was patronized in getting these Italians?—A. I don't know.

Q. You say you had dealings with the masons' union in your works?—A. No; I don't know as I made quite that statement. I said we preferred to use masons who were members of the masons' union. I don't think I ever said we had dealings with the union; but I said that our foreman took members of the union whenever we had work to do in that line.

Q. That is having dealings with the union.—A. So far as I am concerned that is all in the hands of the foreman.

Q. We hear a great deal about a smeltermen's union here. Does it exist in your works?—A. We don't know anything about that. We have no doubt that some of our men are members of the smelter union, but officially we have no connection with the smeltermen's union.

Q. Not if the smeltermen you have are members of the union?—A. No, I don't believe they are. We employ a man whether he is a union man or nonunion man. That question never comes up.

Q. Your men are efficient in your works, the smeltermen?—A. I think so. So far as I am concerned, and the company is concerned, it makes no difference whether they are members of the union or not; none whatever so long as they do the work properly.

Q. Suppose the men were organized and sent representatives to confer with you about wages, sent a committee which was fully empowered to settle all differences that might exist—would you consult with the committee if they were standing for the men?—A. That subject has never come up as yet. I don't know what I would do. We have no objection to our men being members of the union, nor have we any objection to the union consulting with our men; and if any of our men have a grievance we will want to redress it, and we would be glad to discuss the matter with them at any time.

Q. You seem friendly to the 8-hour law?—A. So far as it applies to 12-hour labor.

Q. If you could continue to do business at a profit you would prefer the 10 or 8-hour work-day, regardless of the decision of the court?—A. We shall do so, whether it is decided to be constitutional or not. That is, as applying to 12-hour labor.

Q. And you would only depart from it in case you could not make a profit in your business?—A. That is the case exactly.

Q. Does the law of the State make you liable for accidents to your employees?—A. I really don't know. I never investigated the State law on the subject at all.

Q. (By Mr. RATCHFORD.) Why is it that the 12-hour men are more deserving of the 8-hour workday than those working 10 hours?—A. They are not; but you can't divide shifts into 10 hours. You can not divide 24 by 10, but you can divide it by 12 or 8.

Q. Then those working 10 hours per day only work two shifts?—A. Yes, sir.

Q. It is not because the men are not equally as deserving and entitled to it in your judgment, but because the work can not be divided into shifts in that way.—A. Yes, that is it. We can not run the 10-hour shifts and run the furnaces, because the blast furnaces have to run continuously; consequently we have to run three 8-hour shifts on the blast furnaces, and the 10-hour men on the other work that needs not to be kept up so continuously.

Q. (By Representative BELL.) How many men have you on your pay roll?—A. Between 1,100 and 1,200 now. I am not quite sure of the figures.

DENVER, COLO, *July 15, 1899.*

TESTIMONY OF MR. JOHN R. WRIGHT,

Member of executive board, Smeltermen's Union, Denver, Colo.

At the afternoon meeting of the subcommission on mining, Hon. John C. Bell presiding, Mr. John R. Wright was introduced at 2 o'clock, and, being duly sworn, testified as follows:

Q. (By Representative BELL.) What is your name?—A. John R. Wright.

Q. Where do you live?—A. I live at present at 3801 Downing avenue, Denver, Colo.

Q. What has been your business?—A. Working at the Grant Smelter.

Q. What position did you occupy there?—A. Furnaceman.

Q. Working in the furnaces?—A. Yes.

Q. What is the Grant Smelter?—A. Lead and smelting furnace.

Q. It is in Denver?—A. Yes.

Q. Is it a part of what is known as the American Smelting and Refining Company?—A. Yes.

Q. When did it go into what is known as the combination or trust?—A. In June of this year, I think.

Q. How long have you worked about that plant?—A. About 3 years, off and on. I was night foreman.

Q. What do you mean by foreman; did you have charge of the furnace department of the smelter?—A. Yes.

Q. Is that regarded as as an important position—a confidential position with the company?—A. Yes; full charge.

Q. Are you a man of family?—A. Yes; 8 children, and my wife and my myself.

Q. Do you own a home in Denver?—A. No.

Q. Do you rent a home?—A. Yes; when my family is here. They are not here at the present time.

Q. Are you familiar with any line of work outside of smelting?—A. Yes. I have done some mining; have worked at building smelters, and such as that; I have been in that line.

Q. What are you doing at the present time?—A. I am not doing anything; I am not working. After the first I was organizing the union.

Q. How long have you been in that employment?—A. Four or five weeks.

Q. Why are you idle at this time?—A. On account of the strike.

Q. What strike?—A. The strike at the smelters. I don't know whether you would call it a strike or not. I would call it a lockout.

Q. You have a difficulty existing between the employees generally and the smelter?—A. Yes.

Q. Now, what were your relations prior to the lockout?—A. Very friendly.

Q. Were the men contented?—A. Yes, except as to the number of hours; they were not contented with the number of hours.

Q. Has the legislature of this State sought to shorten those hours?—A. Yes; it is left to the decision of the supreme court. The legislature made an effort to pass an 8-hour law.

Q. Did you insist upon its being lived up to?—A. Most assuredly.

Q. What does the company say about it?—A. The workmen say 8 hours, and the company insists upon 10 hours; that the men shall work 10 hours. Some men they will let work 8 hours, but they insist that the 10-hour men shall work 10 hours.

Q. What men does the smelter insist upon placing under the 8-hour law?—A. Furnace men, the men in the furnace department, feed men, and the roasting department.

Q. Then, so far as your individual position is concerned, they are willing to concede you 8 hours?—A. That is what I understand Mr. Grant is willing to do; that he said some work there should be 8 hours.

Q. That work, you understand, is with the furnaces and roasters, do you?—A. Yes, and feeding the fires.

Q. Do you belong to labor organizations?—A. I belong to the Smeltermen's Union.

Q. What membership has that now?—A. We have 1,167 on the list.

Q. Do you occupy any official position with the union?—A. I am one of the executive board.

Q. One of its officers?—A. Yes, I am one of its officers.

Q. Any of these men nonmembers of this organization?—A. About 8 or 10 in the Grant and probably about 20 in the Globe smelters are not in.

Q. Then you are in favor of securing the betterment of the entire pay roll?—A. That is our object; to better the condition of all the men.

Q. And you prefer to take up the fight of the other men?—A. That is it exactly; that is our position.

Q. And you don't stand upon the theory that you should have the benefit of the 8-hour system alone, but that the other men should have it also?—A. Not at all; no.

Q. What objection does the company raise to adopting the 8-hour system?—A. They claim they will have to put on two shifts in some places. Take the crushing department—they claim they can not crush enough ore in 8 hours to last the 24, and therefore that they can not get along as well. They claim they can crush enough in 10 hours, but if they had 8 hours they would have to put on two shifts. They find it easy enough to put the men around the roasters on at 8 hours, but they can not crush enough ore in 8 hours to keep the works going.

Q. Have you had any negotiations with the company?—A. Not since the strike.

Q. They have not met you as a member of the executive board?—A. No.

Q. Why?—A. Because they depend upon the decision of the court and are willing to wait.

Q. Then do I understand you that the dispute is awaiting the decision of the court?—A. The settlement of the strike with Mr. Grant is waiting upon that. The dispute has come up in this way: We went to tell him very respectfully and courteously what we would expect, before we went out, and it didn't satisfy him, and he said we would have to await the decision of the court, and would not hold any conference.

Q. What time are you working?—A. Twelve hours.
Q. You are one of the 12-hour men?—A. Yes.
Q. What rate of wages did you demand for 8 hours as furnaceman?—A. Two dollars and forty cents per day.
Q. What reply was made to that?—A. That they could not pay it; and that we must accept their schedule.
Q. What did they offer the furnacemen?—A. Two dollars per day.
Q. Then there is a difference of 40 cents in your department; and did that run through the other departments?—A. I think the cut was about equal all the way through.
Q. Then there is a difference of about 20 per cent in the price, or a little more than that, between you and your employers?—A. About that.
Q. And you have made no urgent offer to come to terms without this decision of the court?—A. We have made offers with the arbitration board to take the matter up and to be bound by the action of the State.
Q. Was it submitted to arbitration?—A. It is before the board at the present time. Our side is submitted. The whole matter has not been actually submitted.
Q. And the board of arbitration under the law is simply taking evidence, and the investigation is only begun?—A. That is it.
Q. Are there any negotiations pending now at all?—A. No, we are waiting, as Mr. Grant would like to have time to await the decision of the court.
Q. When do you expect to receive the decision?—A. Next Monday is the way it is published.
Q. Outside of the shortening of the hours and readjustment of the wages the men are well satisfied?—A. Yes.
Q. With their treatment?—A. Well, not so well as we might be. You see the lead interferes greatly with our health. Our health is not as good as it might be on account of the lead.
Q. Then you mean that 12 hours a day is an unreasonable time for a man to work in the smelter, do you?—A. Yes.
Q. And the company concedes that and offers to shorten it in your department?—A. Yes.
Q. Does the company for which you work impose any restrictions on you such as insurance?—A. Not at all.
Q. Anything for hospital fees?—A. We pay a dollar a month hospital fees.
Q. Is that satisfactory to the men?—A. It is to the majority of them.
Q. What is your individual judgment about a system of that kind. Is it beneficial or not to the men as a body?—A. I think it is a very good system, in that respect, but a great many of them think it is a little too much.
Q. I suppose the higher price you pay the better physician you get, don't you?—A. We have always had the same physician.
Q. Who selects the physician?—A. I could not answer that. It has never been an agreement. It is merely a rule.
Q. You don't know whether the men or the company select the physician?—A. When it was first started it was argued in favor of Dr. Lemon, and he has always been our physician.
Q. And he has generally been satisfactory, has he?—A. Generally, has done very well. He is very good.
Q. The company has never furnished dwellings for the men or anything of that kind?—A. No.
Q. No tenement houses or anything of that kind?—A. No.
Q. Does Dr. Lemon treat your family also?—A. Treats me.
Q. Does he do that through an arrangement of the company?—A. No.
Q. You then pay him for services performed for your family?—A. For me. I am the only one he has treated in any way.
Q. What is the general system, if you know; does it include the treatment of the men and their families or the men only?—A. Just the men themselves.
Q. Do the physicians for the other smelters treat just the men or treat the men and their families also?—A. I don't know of any that treat the family for the money received from the smelter.
Q. My understanding is that the manager for the Philadelphia smelter stated that their company physician treated the men and their families.—A. I could not say as to that.
Q. Do you pay for the medicine or does the physician furnish it?—A. He pays for everything.
Q. You are not required to pay for medicine?—A. If we are hurt we go to the hospital and the physician comes there to see us and furnishes the medicine there. It comes out of the hospital fees.

Q. And I understand this is satisfactory to the men?—A. Yes.

Q. Into what departments are your workingmen divided?—A. Four; furnace room, feed floor, roasters, and the common laborers—the 10-hour work.

Q. Now, do the feedmen work 10 or 12 hours?—A. Twelve hours.

Q. The feeders must be there as long as you work?—A. Yes.

Q. Do you understand the management is now willing to extend the 8-hour system to the roasters, the furnacemen, and the feeders?—A. That is what I understand.

Q. That would leave the common laborers working 10 hours?—A. Yes. Now the 10-hour men are the men who unload the ores, wheel stuff around the premises, and the general laborers about the smelter outside of the three departments I mentioned, furnace, feed, and roasting departments.

Q. They may quit now at the end of the 10 hours without interfering with the other three departments?—A. Yes.

Q. And the company insists that they must remain during the 10 hours?—A. Yes.

Q. What are the wages of that department?—A. The wages of the 10-hour men at the Globe are $1.50, and at the Grant $1.60, and they wish to reduce them to $1.32.

Q. What is the rate of rent for the kind of buildings that the employees live in?—A. They rent for from $4 to $12 per month.

Q. What would be the average?—A. I think about $8 would be. A three or four room terrace rents for about $4 per month. A little five-room cottage costs $10 per month.

Q. Are these men generally men of families or single men?—A. The majority are men of families.

Q. What is the usual run as to the membership of the families?—A. They will average about 5 to a family, I think.

Q. About what are the grocery bills per month?—A. I would say they would average $18 or $20.

Q. About what does it take to clothe a family of that kind and number?—A. Of course we have to buy the cheapest goods we can get and live. I know in my own case it takes about a suit of clothes every month, which costs from $2.50 to $3.

Q. That is by reason of your having to buy the cheaper class of goods?—A. Yes.

Q. Then what is the expense of your doctor bills and medicine bills?—A. Mine have been very high. Of course they differ in different families.

Q. Then you have many incidental expenses?—A. Nothing but just a bare living.

Q. Have you free schoolbooks where you are?—A. No; we have to buy books.

Q. So your children require a little aid now and then?—A. Yes; they require it, but they don't get it.

Q. Do you feel that they are entitled to it?—A. Yes.

Q. Taking all these things into consideration, living in a mild way, as you do, I want to know if a man works 26 days in the month what the condition of his his finances will be at the end of the month, usually?—A. He will be broke. He does not work 26 days, anyway.

Q. Well, about how many days will he average?—A. The 12-hour men will not average over 22 days in the month.

Q. Why is that?—A. His health will not permit it. If a man works longer than that a month at 12 hours a day in the smoke of the works he will ruin his health so that he will be in the hospital half of the time.

Q. In other words, the ordinary individual is not constituted to stand the hardships of this kind of work 26 days in the month?—A. No.

Q. How about the common laborer; does he ever get sick?—A. Yes, some of them have quite as bad places to work in as the furnacemen and even worse at times.

Q. Why is that?—A. As it is here a man has to put in about 3 hours of the day cleaning out the dust chambers and drawing out the furnaces and such work as that, which keeps him in the heat and dust and smoke.

Q. That is very hard on the lungs, is it?—A. Hard on the whole system, especially on the lungs in the smoke; it is the fumes in the smoke.

Q. Do you ever have any leading of the men in this treatment?—A. Yes.

Q. Men are often leaded and injured by the fumes of lead?—A. Yes.

Q. Have you given any study or investigation to the question of the average number of days that a man is incapacitated for labor during the year?—A. Well the 12-hour men average generally about 22 days in the month at work.

Q. And what will it be among the 10-hour men?—A. They can not work 26 days; they get tired and exhausted by the lead and the fumes in the smoke.

Q. Is it not quite usual for these men to have more or less sickness during the year, and in fact for the men in each of the departments to have more or less sickness for that matter?—A. Yes.

Q. And become disabled from time to time?—A. Yes.

Q. During that time do they receive any wages?—A. No.

Q. Then your clothing bills, medical bills, and incidental expenses, including rent, consume about what part of your wages?—A. That will consume about three-fourths of the amount.

Q. Do the men generally accumulate any considerable amount of money on these wages?—A. I have never known any of them to save anything after they had paid their expenses.

Q. What are the general habits of these employees as to economy?—A. Well, they are very economical. Their living at times is rather expensive during the time when they are working, because their system is not in a condition that their stomach will take poor food on account of the effects of the fume.

Q. In doing this kind of work you necessarily require a higher-priced food for the purpose of humoring the stomach which is affected by the fumes?—A. Yes; a more varied class of goods anyway. We must have more meat than others would use.

Q. I notice from your statement that you not only want the hours shortened, but you want the wages increased per hour?—A. Yes.

Q. That is, a small increase per hour?—A. Yes.

Q. Have you figured up what increase your organization demands—what percentage?—A. Yes.

Q. What is your department receiving now per hour?—A. Twenty-two and one-half cents. Two dollars and seventy-five cents per day of twelve hours; that is what we have been getting.

Q. (By Mr. RATCHFORD). And what is your demand per hour under the eight-hour system?—A. Thirty cents.

Q. And you require or demand an increase of 7 cents per hour?—A. About that.

Q. And what increase does the company offer you per hour?—A. They have not offered us any increase. That is, they have offered a 10 per cent increase on a reduction that was made in 1893, when they cut us down 10 per cent in our wages all over the smelter. We had been getting $3 per day and they took off 25 cents, and that cut us down 10 per cent, so that we only got $2.75 per day. They have offered to restore the wages to the old rates, but they want to reduce us one-third with the reduction in the hours, which would give us only $2 per day.

Q. The 1893 scale, I understand, was 25 cents an hour?—A. Yes.

Q. And they offer to restore that now?—A. That would give us $2 per day.

Q. When did they offer that—before the strike?—A. Yes; or rather, at the time of the strike, the 1st of June.

Q. (By Representative BELL.) Why did the men demand an increase of 7 cents per hour?—A. Well, for the simple reason that for eight hours per day the rate was so low that we could not live.

Q. In other words, you contend that the wage you are receiving now is as low as you can stand?—A. Yes.

Q. And the hours are so long under that wage that the physical condition of the men will not endure them?—A. Yes.

Q. And you demand that your hours be shortened without a very material reduction in the wages; that is the real difference?—A. Yes.

Q. Have you ever had any trouble about the recognition of your union?—A. Well, they have refused to recognize us as a union.

Q. Why?—A. Well, I could not say why. They thought that we could not work together; that if something came up in the future we would cause them trouble; that is, they say that.

Q. Has your union indulged in any inflammatory threats to give rise to a conviction of that kind?—A. No; our action has been such that there has been nothing to indicate anything of that kind.

Q. Has it been orderly?—A. I don't think one man has been within five blocks of the smelter from the time we went to draw our pay.

Q. Your personal relations with the management are congenial?—A. Yes.

Q. And the sole difference is the amount of wages to be paid?—A. Well, I can not say as to that before we find out what the court decides.

Q. Well, I understand in your department there will be no difference with the eight-hour law from this time on?—A. We certainly hope there won't be. We don't want any difference at all.

Q. Then I understand that the contention of your union is that the hours be reduced from ten and twelve to eight, and that it is absolutely necessary to increase your rate per hour to make living wages?—A. Yes.

(Here an adjournment was taken until 10 o'clock a. m. July 17, 1899. The subcommission met at 10 o'clock July 17, 1899, when the examination of Mr. John R. Wright was resumed.)

Representative BELL. The clerk will please read the last question and answer. [Question and answer read.]

Q. And that is the foundation upon which you base your contention for an increase?—A. That is one of them.

Q. What other matters enter into your contention?—A. We think we can not live on the scale that is offered us, for the expenses of living are somewhat higher; produce is higher.

Q. Than what time?—A. Than in the last couple of years. Meat is higher than it has been for several months, and rents are increasing right along. Houses that you could get six months ago for $4 or $5—they are now raising the rent from $6 to $8. We used to pay $4 and now we pay $6 or $7 for the same class of houses. The smelters' expenses are reduced, and the markets are higher. They claim they don't get any benefit from the market, but I think they do, as copper and lead are both higher and silver is also a little bit higher, and they have been increasing their machinery, and they have increased their capacity a great deal. They are now running more ore in six months than they used to run in ten, and with the greater facilities to work our work is that much harder.

Q. With what time are you comparing the present?—A. With eight months ago, in regard to the running prices.

Q. When your wages were cut, in 1893, 10 per cent, did the rents and the necessaries of life go down in price by reason of the fall in silver and lead and the metals you produced?—A. Not immediately; no. Rents came down a little.

Q. How was flour and meat?—A. Cheaper than at the present time.

Q. At that time you conceded the justice of the cut by reason of the product you were producing falling to an unreasonably low figure?—A. Well, we accepted the cut because we didn't expect it would last long.

Q. It was because of the great fall in the price of the products that you were producing that you acceded to that demand?—A. Yes.

Q. Now you think that as these products are going up and your employers are getting the benefit of the rising prices, and as the cost of living is also increasing, you are justly entitled to some of the benefits?—A. Yes.

Q. To an increase based on the price of the article you are manufacturing or producing, and also an increase commensurate with the price of living?—A. Yes; we think we are entitled to some recognition of that.

Q. Has it been the custom of labor and labor unions to take into account the general productive capacity of their work?—A. I should judge so.

Q. In fixing their wages?—A. Yes.

Q. Do you know anything about mining?—A. I worked some at it.

Q. Do you know something about the price and custom of miners?—A. Not of late years.

Q. Is it a fact that in gold mining, during the great cut in wages, they held up the price of miners more or less because of the high price of their product?—A. Well, in the exclusively gold countries they did; that is, in the Black Hills. I know that they kept up the prices there.

Q. How was it in Cripple Creek?—A. I could not say as to that, as I have not been there for three years. I was in the Black Hills for nearly three years. I think the wages there are about the same as they were in 1895 or 1896.

Q. What relation does smelting bear to mining?—A. It is almost identical, I claim. Without the one the other can not very well get along.

Q. Then they are interdependent, are they?—A. Yes.

Q. If mining thrives, smelting thrives, and if mining is reduced the smelting is necessarily reduced, is it not?—A. There is some difference in what you would term the treatment of ores. Smelting comes under a different head. The free-milling ores are not smelted.

Q. Then it would hurt the mills?—A. Yes.

Q. The refractory ores you smelt?—A. Yes.

Q. The more ore that is produced that is of a refractory character the more you have to smelt?—A. Yes; and the more money the companies can make out of it.

Q. And the more ore of a refractory character that is produced the more the railroads have to haul, and the more your yardmen have to unload and handle?—A. Yes.

Q. And one is necessarily dependent upon the other?—A. Yes. In speaking of the treating of ores and the market price, I would say that the market is controlled by the copper and lead, and when the copper and lead ores are plenty the company can get a better class of smelting ores; more mines are working and they can consequently adjust their ores better.

Q. Is it not a fact that the most of the refractory ores carry gold, silver, lead, and

copper, or at least two of these metals associated?—A. Yes; and a good deal of the ore carries them all. At the present time, as they are now mining, the ore generally carries all of them, and there is no time that it does not carry lead and silver.

Q. And the price now is first-class for all of the ores, even including zinc?—A. I guess so. I can not state as to the price they have for the charges.

Q. Copper is very high, is it not?—A. Yes.

Q. Lead is nearly $4.50; is that regarded as a high price for lead?—A. Yes; that is a very high price.

Q. Gold is high?—A. Well that is the same always. Silver is what you would call high for that one product.

Q. Then would you say that the mining industry of Colorado is prosperous or not?—A. Before this trouble it has been very prosperous. I think the outlook was very bright.

Q. How is it at this time?—A. I guess it is not so bright as it was a month ago.

Q. What is the cause of the depression in mining at this time?—A. I suppose on account of the smelters being closed.

Q. Is it the general understanding of the community and press, as expressed?—A. I think so.

Q. Do you know of any reason other than the differences between you and your employers that would require the shutting down of the mines and smelters of the State?—A. No, I have not heard of any.

Q. Do you keep track of the other States where they have any trouble?—A. I read the papers closely.

Q. Have they had any trouble in the State of Utah?—A. I believe not.

Q. How is mining in Utah, prosperous or otherwise?—A. I think it is good from what I have read in the papers. I think it is very prosperous. They are finding a good deal more ore this year than in previous years.

Q. Do you know from general history, as it is made from the newspapers and what the people generally say, as to the line of smelters that are shut down and those that are running?—A. Yes.

Q. Well what is said about it by the press of the State and the people generally; do they say that the trust smelters are shut down and the others are running or otherwise?—A. In Utah; I don't know as they are here; not a one.

Q. I am speaking of this State?—A. The individual smelters are running; at least two of them are, one at Pueblo and one here; the Guggenheim in Pueblo and the Argo here.

Q. And how about the trust smelters in these places?—A. I understand there is but one of them running, and that is the Bimetallic in Leadville. The balance are closed.

Q. Have you any reason to believe that if the smelters of Pueblo, Durango, Leadville, and Denver had remained as they were at the beginning of the year, that many would have been running at this time?—A. Yes, I think so.

Q. Why do you think so?—A. Because I think they could start up under the eight-hour law, of which we expect to have the benefit; that is my opinion.

Q. Successfully?—A. Yes.

Q. What has been your experience as to laboring men treating with the individual or small corporation, where you could reach the responsible party and put your finger on him, and in dealing with great plants where you could never meet the head of the company?—A. In dealing with the smaller firms we could reach them very easily. With individuals that is the only way we had to come before them. I never saw the time yet when I could not meet Mr. Grant and Mr. Sheedy with any proposition, but it seems now in this trouble it is a little harder to get to them.

Q. Do they say to you that there are other powers that have to be consulted at a distance?—A. Mr. Grant says now that he has full power to treat with us.

Q. Do you understand from him that he gets his instructions from a higher power, or that he has the power by reason of the organization?—A. He said at first that he would have to consult with others, but lately he has said that he had full power of settlement as chairman of the operating board for this western country.

Q. Do you know whether they have limited his power?—A. I do not.

Q. Or whether he has a general power?—A. I do not. It is only lately that he has claimed to have the full power. At first he would say that he would have to meet the other managers and directors.

Q. Who is at the head of the recent combination?—A. Nash, I believe.

Q. Where does he reside?—A. He is a capitalist in the State of Nebraska.

Q. How often does he appear in Denver?—A. I have only known of his being here twice since the trouble.

Q. Has he personally, as you understand, any connection with this trouble?—A. As I understand from Mr. Grant, that is it.

Q. Did the men individually go to meet Mr. Nash? Did they meet him as individuals or as a union?—A. They didn't meet him at any time.

Q. Then whatever instructions he may have given must have been given to his subordinates?—A. To Mr. Grant.

Q. And Mr. Grant now occupies a subordinate position, as you now understand?—A. Yes.

Q. Formerly he was the owner or general manager?—A. He was the vice-president of the Omaha and Grant Smelting and Refining Company.

Q. And is general manager of the Grant plant?—A. That is the same plant.

Q. Then would you say that the syndicating of all these smelters under one organization makes the lot of the laborers easier or otherwise?—A. Well, it makes it harder to get recognition in any way. We have to wait just so much longer before we can get a conference with Mr. Grant, and I think it is harder to approach him.

Q. And when they shut down they shut down, as I understand it, every smelter that has gone into this combination, and have since opened the Bimetallic, in this State?—A. Yes.

Q. And it seems that the act of one of these smelters in this combination is made the concern of all?—A. Yes.

Q. And the fate of one is made the fate of all in dealing with the men?—A. Yes.

Q. And is it your judgment, from the way the other individual smelters are going, and your custom prior to this combination, that if they had remained as individual organizations you would have been able to arrange with many of them individvally too?—A. Yes, I think so.

Q. That has been your experience as a laboring man?—A. Yes.

Q. What is the social condition of the smelter employees and the miners of the State, so far as you know?—A. It has been very good.

Q. They are improving, are they, socially?—A. Yes, I think so.

Q. Drinking less, are they?—A. I don't know as any of them have made any change in that way. So far as I know the smelter men are not—a great many of them—hard drinkers, because we can not drink.

Q. They will not permit you in skilled labor, will they?—A. No; our health will not permit us to do so.

Q. You have been organized as a union how long?—A. Seven weeks; about that time.

Q. Don't labor unions generally teach sobriety, institute peaceful methods, and all of the higher elements of the moral code?—A. Yes, so far as I have ever heard, that has always been an object.

Q. Has that not a tendency to elevate the miner and the smelter workman?—A. I think so.

Q. Have you observed any improvement of the miners in the State recently?—A. Well, I have not been connected with them in the State recently. I don't think any of them are going backward at all.

Q. You don't know whether they are more inclined to save money and build their own homes than fifteen years ago?—A. Yes; I think they are. I think they read more and educate themselves and their families more.

Q. Then you would say that their moral and intellectual condition is improving?—A.—Yes.

Q. Is not that the tendency of labor, so far as you have seen, all over the continent?—A. Yes.

Q. To elevate themselves by educating themselves and their families and improving their social and moral condition?—A. Yes; I think so. I have always found it that way.

Q. Have you observed in the press and from the general statement of citizens, the fact that the mining element of the State is spending less money, for instance, in the saloons and at the gambling tables, than formerly?—A. Yes; they are.

Q. And they are husbanding their effects more than ever before?—A. Yes.

Q. Do you believe this is beneficial in general and to the laboring man in particular?—A. I do; most assuredly.

Q. Do the organizations encourage this good practice and such good principles?—A. They do in every possible way. It is always in all unions advised that they do that way, and they take advantage of it.

Q. Is there any nucleus to hold such an organization except it is elevated in principle?—A. That is the object in all unions or organizations of men.

Q. That is the adhesive force that keeps them together and enables them to build up?—A. Yes.

Q. And I understand from you that these principles are being adopted generally throughout the west and to good effect?—A. Yes.

Q. And that improvement is continuing?—A. Yes; it is an improvement that is continuing right along. You will find that among the foreigners—we have a great many of them; they are improving and learning to become good citizens. In a short time about seventy men took out papers to become citizens of the United States.

Q. They affiliated with the higher grade of Americans, did they?—A. Yes.

Q. And men of good influences?—A. Yes.

Q. How many foreign laborers have you, approximately, in the Grant plant, or the combination of plants in this State?—A. Well, I think there are about one-third.

Q. What nationality predominates?—A. Swedes and Austrians, or Scandinavians.

Q. Are they usually orderly and progressive citizens?—A. Yes; they are usually progressive and quite orderly. They must be kept in restraint considerably when there is any trouble, but in times of peace they are as fine workmen as we have. They are very good. The Swedes especially are very anxious to become citizens and educate themselves.

Q. Good workers?—A. Yes; there is no question about that at all.

Q. Have you known of any contract system connected with the smelters in this State—that is, going abroad for labor?—A. No.

Q. Have you known of their going to different States to contract for labor?—A. I have never known of it.

Q. Has there ever been, in your experience, a great scarcity of laborers to run the smelters or the iron plants of the State?—A. Yes; I have known of a scarcity of labor in Denver here.

Q. Skilled or unskilled?—A. Both skilled and unskilled.

Q. To an extent that employers were required to go East or contract for labor?—A. No. They had a few contracts with employment agencies here.

Q. Did they have any difficulty in securing labor?—A. At times, yes.

Q. Do you mean it was only temporary, or a long period?—A. It would only last during the hot season. That all depended upon the condition of the force. It was very seldom that they could not put on a full shift. If it was very hard to get a shift they would have to sometimes change them about; take them from one department to another. At the Globe it would be quite hard to get a shift.

Q. Do you know of any colored labor imported from the Southern States?—A. I don't know as there was any imported; but they tried it at the Globe for a day or two.

Q. You have not used it continually?—A. They can not stand it; they can not do the work. They can not stand the artificial heat around the furnaces. The work is a little too continuous for them.

Q. Do you know whether they can, or whether they did not desire to do it?—A. I think that they could not stand the heat around the blasting furnaces.

Q. What kind of labor stands that ordeal best?—A. The American stands it as good as any of them. They all work together.

Q. What was the proportion of Americans right around the blast furnaces and roasting furnaces?—A. The majority of the furnacemen and most of the skilled labor throughout the smelter are Americans.

Q. Have there been any laws passed by the legislature of the State of Colorado recently that affected labor detrimentally?—A. Not that I know of. I have not read of any.

Q. What has been the tendency of the legislature of this State, to pass laws for the benefit of labor or to retard the progress of labor?—Well, such laws as they have passed in later years I think have had a tendency to aid the laboring man.

Q. Then it is your judgment that public sentiment is growing in favor of bettering the general condition of labor?—A. I think so.

Q. As expressed through your press and through the legislature of your State?—A. I think so.

Q. What tendency has that to better the condition of labor?—A. Well, the laws are more favorable to us. Now, this 8-hour law is a great benefit to us, and not wishing to violate it, we simply refused to work longer; and we think that is the better course. We don't want to violate any laws here whether they benefit us or not. I don't think it is the policy of any institution to try to violate them.

Q. You and your organization realize that the only real law of communities is the law of public sentiment?—A. Yes.

Q. And that any law of the legislature or Congress which is not backed by healthy public sentiment becomes obsolete, though it may remain upon the statute books; in other words, is not in favor?—A. I think the laws should be for the benefit of the public and have the sympathy of the public.

Q. A law that is passed without a good healthy public sentiment is never enforced, is it?—A. No.

Q. And where the full effective law is it is the law of the educated public sentiment?—A. That is right.

Q. You also realize that unless your organization is orderly and peaceable it will not have the support of public sentiment?—A. No; we know it will not.

Q. I understand you to say that there has been no new machinery, only in the way of enlarging the capacity, in recent years in your plant?—A. Not to speak of; that is, they have put in electricity instead of steam engines.

Q. Has there been any new machinery that largely reduces the employment of labor?—A. No.

Q. What, in your judgment as a laboring man, is the effect of labor-saving machinery on labor?—A. Well, we have had no benefit from any, not even in the improvement of our health or lessening our burdens.

Q. Do you believe in the advantages of improved machinery?—A. Yes, there is a great advantage in some cases.

Q. Do you believe that is one of the reasons that enables you to shorten your hours, that the machinery is now doing the work of the men?—A. Yes.

Q. Has it been the result of your observations that the more labor-saving machinery that is produced the more is manufactured and the less the price to consumers, including labor itself?—A. Well, I think the labor-saving machinery introduced at the present time reduces the labor a great deal. It is not always a benefit to the laboring man.

Q. Don't you think it will be ultimately beneficial, while it may displace labor for the present time?—A. It reduces the chances for work.

Q. Does it permanently or only temporarily?—A. It is permanent.

Q. I thought the sewing-machine would ruin the women that were sewing, but didn't more women sew after they got the machine than ever sewed before? Don't they do more and are not more of them employed?—A. Of course the population is increasing and there are more demands.

Q. Don't they use more clothing?—A. Yes, I should judge they do.

Q. And the lace machine; didn't that quadruple the number of women making lace?—A. Yes.

Q. And it is more in demand because they are using it more?—A. Yes, it is more in demand now, certainly.

Q. Formerly the high price of lace enabled only a few to use it, but when all came to use it it increased labor?—A. Yes.

Q. Is not that true of every article of manufacture?—A. Yes.

Q. Any time it increases in use it increases the number making it?—A. Yes.

Q. As a general proposition?—A. Yes, sir.

Q. For instance, while the machinery at the beginning might seem to make the position of labor a little harder, don't it in the end tend to shorten the hours of labor, and should not labor get its proportion of the benefit through the shortening of the hours, lighter work and the general benefits that arise?—A. Yes.

Q. Do you know what effect labor saving machinery has on the profits of the industry in which it is used?—A. I think it must increase them.

Q. Is it not the great problem of civilization that there shall be a more equitable distribution of the earnings of the machine as well as of the earnings of the men themselves?—A. I think quite probably that it is.

Q. Do you know what the practice is—that is, whether the men are receiving their proportion of a just distribution of the benefits of labor saving machinery by higher wages and shorter hours?—A. I don't think they are, except as to higher skilled labor required to run the machines.

Q. Well, they get the increased wages because it requires more skill to run it; it is conducted by the skilled workmen and they get more wages?—A. Yes.

Q. What effect does that have on the less skilled?—A. It reduces the number, and I don't think it raises their skill; in some instances it does, but only in a few.

Q. But is there not a marked tendency to higher wages, to work wages up clear along the line?—A. Yes.

Q. You have read of the great discovery of minerals in Australia in 1851 and 1852?—A. Yes.

Q. Didn't the wages of the sheep herder go up from $1.50 per day to $5 per day and the influence of the mining work to the advantage of the sheep herder for a time?—A. Yes.

Q. Have you observed around Leadville, Cripple Creek, Aspen, Ouray, and other points where they pay the highest wages that it runs down to the common laborer also?—A. Yes.

Q. It must be in proportion?—A. As he improves in work he certainly advances; his skill advances his wages.

Q. And don't that influence the result of his labor?—A. Yes; it is the same way with us.

Q. And these things come about by a kind of slow evolution?—A. It is the education of the people that brings it about.

Q. Is it not your judgment that the working out of all great problems of the past has been by slow evolution, and that all vast problems must be worked out by a slow, systematic, and gradual and intelligent evolution?—A. Yes, we have to educate people up to it.

Q. Do you know that that is going on now?—A. Yes.

Q. For the betterment of all classes in the State of Colorado?—A. Yes.

Q. Do you find the masses generally, such as merchants, farmers, mechanics, approve of this general evolution and encourage it?—A. They approve of it.

Q. And most generally encourage the betterment of the wage worker and all those who are producers?—A. Yes; I know they do.

Q. Do you regard that as a decided advance over the past years?—A. Yes.

Q. Now, is there anything from your experience or general observation that you could suggest in the way of legislation, either National or State, that is not in contemplation generally by your people at this time?—A. Yes; I think there is a great chance for laws to be enacted for the laboring man—for his benefit, for his health, and for the different organizations. I think they should take the laboring man into consideration and enact laws for the benefit of his health and allow him to have a chance. I also think that there are a good many things that could be enacted for the improvement of the general public.

Q. Have you any well-considered or well-defined item that you could specifically suggest that is now ripe for legislation, instead of the general suggestion of doing whatever can be done?—A. Well, I could not think of anything just at present.

Q. You have laws now for ventilating the mines, have you?—A. Yes.

Q. You have laws that require your mines to be kept in a securely timbered condition, free from liability and danger from cavings and the like of that?—A. Yes.

Q. And you have general sanitary measures. These laws are being enforced, are they?—A. Yes; I think they are, generally.

Q. The general sentiment of the officers of the State is to enforce these regulations?—A. Yes.

Q. You don't find any disposition to ignore them or the health or safety of the laborer?—A. No; not in the mines.

Q. How is it in the smelters?—A. I think there are chances for great improvement there. In most of the plants in which I have worked they have different systems for taking away the smoke and cinders, but they have not done so here. They claim they will do it, and of course they may some time. They always have some cause or other for not doing it.

Q. And are your men among themselves generally careful?—A. Yes; they look out for their health in any way they can.

Q. Is the man who is fairly well educated usually more careful and precautious in trying to protect his health, and also his employer, than a man whose education has been neglected?—A. Yes; he grasps the theory of the work quicker and it makes it easier for him, and he sees the dangers himself and of course he protects himself in that way.

Q. How about his work for his employer?—A. Same thing, yes; protection for one is protection for the employer.

Q. And do the laborers want to educate their children?—A. They exhaust every means they possibly can to have them go to school just as regularly as the children of any other class of citizens.

Q. Your State is very liberal in providing free schools for them.—A. Yes.

Q. The property holders don't stint the schools at all; they furnish ample property and ample houses?—A. I think we have the best system of schools in Colorado of any State I know of.

Q. What is your judgment about the generation that is growing up now as compared with the present generation?—A. I think they are improving.

Q. Is it not your judgment that practically all of the laborers, under the influence of the rising generation, will be an educated class.—A. Yes.

Q. Don't you anticipate great results from them?—A. Yes.

Q. Have you given any attention to manual-training schools?—A. Individually I have not; I visited them once; just went through.

Q. Have you seen many persons in your ranks who have gone through these manual-training schools?—A. No, I don't believe I have.

Q. You have hardly reached that class yet?—A. No.

Q. Have you observed their work of teaching sufficiently to form a mature judg-

ment of the beneficial results of manual-training schools?—A. I think they are a great benefit. I know some young men who went through, and improved their chances and opportunities, and I think that they were better educated.

Q. Has your organization ever taken any action looking to the attaching of manual-training schools to the public schools generally?—A. I could not say as to that. Of course I think the time will come when they will introduce such things in our organization.

Q. Don't you believe it would be more advantageous to the laborer to equip himself in manual training than in many other branches, such as higher mathematics, grammar, history, geography, etc.?—A. I think so, for laboring people; yes.

Q. You say laboring people; is it not your judgment, from the trend that civilization is now taking, that we will most of us be laboring people in the near future?—A. Yes.

Q. In other words, with a universal education the next generation will see a great leveling up of the conditions of society—that is, that the extremely fortunate will be pulled down some and the unfortunate will be elevated some, and that they will be more nearly together, and that there must be a great army that must take in these young men generally that are being educated together to-day?—A. I think the time is coming when, although the higher classes may not be pulled down to any extent, the lower classes will be brought up to them. I think education is going to bring them together in time; that it will take the poorer classes up to the highest.

Q. Your children are being educated with the merchants' children, lawyers' children, capitalists' children, speculators' children throughout now?—A. Yes; I think it is the duty of every man who has a child to give him the best education he can.

Q. They are all being educated together now?—A. Yes.

Q. The farmer's child and the laborer's child stand equally well with the capitalist's child in school now?—A. Yes.

Q. Has the same opportunities?—A. Yes; so far as the laboring man can provide them.

Q. That never has existed to any great extent in the past, has it?—A. No.

Q. Not so extensively as at the present time?—A. That is why I say the betterment of the education is the only bond that will bring them together.

Q. In other words, the contrasts between the members of one class and another have always existed, but the people never knew it so generally as now?—A. Yes. I guess we can all place our children in school together at one time, and the only advantage that there is is in placing them in the higher classes or in the higher grades of the schools.

Q. How far does the laboring man's child usually go in your schools?—A. Well, when they get to the fifth and sixth grades they get a pretty fair education.

Q. Don't they usually go through the grammar schools?—A. Yes.

Q. They have about 8 grades, don't they?—A. Not the majority.

Q. Any of them go through the high school?—A. Yes; plenty of them.

Q. Don't they generally go through the high school here? A. No; I don't think they do, generally.

Q. But they do generally get through the grammar schools?—A. A great many of them do and a great many reach the higher schools.

Q. And a great many at the present day probably get a better education than George Washington did, or Abraham Lincoln, or Thomas Jefferson. There is no discrimination by the teachers or the officer between the children of the poorest and the richest?—A. I don't think there is.

Q. The general tendency is democratic?—A. I think there should be no partiality shown.

Q. They have equal opportunities there?—A. They ought to have.

Q. Is it not your judgment, in dealing with men naturally, that that of itself has a great tendency to create a fellow feeling and sympathy between those who are poor and those who have more fortunate parents, and to bring them closer together?—A. Yes.

Q. That operates in the same way in your business dealings with your employer and causes him to sympathize with your condition and have a closer fellow feeling for you than the man in New York or Omaha?—A. Yes.

Q. Has that been your experience in dealing with employers, that if you could meet with them face to face and talk with them, your relations become closer and that you both have a better understanding with each other?—A. Yes; I think that is the case. I know it would be.

Q. He sympathizes with your conditions and misfortunes?—A. Yes.

Q. And shows a greater tendency to listen to your complaints?—A. Yes; I know that to be the end.

By Mr. KENNEDY:

Q. Your organization is of recent origin, you state?—A. Yes.

Q. What induced you to organize recently?—A. For our own protection. We thought that by being together we could get to know each other much better at the smelter plants. We very seldom met, and we thought that by being together in a body we would meet oftener and become better acquainted, and one could protect the other.

Q. Is it only recently that you saw the advantages of that?—A. No; we tried it once before, but never made a success of it.

Q. Had the passage of the 8-hour law anything to do in the way of stimulating your organization?—A. Yes, it did. We expected there would be opposition to it in that plant, and we knew the trust had organized at that time, and we claimed the same privileges; and when the question of the 8 hours came up we knew there would be a little controversy and that we would then be together, where we could back one another up and all afford to stand out better.

Q. Are your men thoroughly organized in the Guggenheim plant?—A. No; not so thoroughly as we are; at least, they were not a month ago, and I think they are not at the present time.

Q. I think we have been informed by the president of the Federation of Labor that they are just as thoroughly organized as you are?—A. I don't think there are over 30 of our men outside of the union, of 1,100 men; and I understand from them that quite a number of the Guggenheim men are not in it.

Q. Do you intend to insist that the trust in dealing with this labor shall recognize and treat with the representatives of the men instead of the men individually?—A. Well, I think that they can treat with representatives better. I don't think they can treat with the men individually. They say themselves that they can not treat with 800, 900, or 1,000 men as easily as with 4 or 5 men.

Q. Does not the president or manager of the trust stand upon the point of the nonrecognition of the union?—A. He said that, yes; that he would be willing to treat with organizations of the men if they were not organized in the unions; he would like to meet the men the same as he is doing now. The knowledge that he can not meet all of the men together to treat with them compels him to meet 2 or 3 of the men as representatives of the others.

Q. You said something about your physician Saturday; is he the only physician for the benefit of all the men in the 2 smelters? You have about 1,100 employees there, you say?—A. There are about that many in both places.

Q. Each one contributes $1 a month to that physician; that makes about $1,100 per month?—A. Yes; the money all goes to the physician, so far as I know. I believe it does, from what he told me himself.

Q. Out of that $1,100 or more he pays for the medicine himself, does he?—A. Yes, and the hospital.

Q. That amounts to about what percentage of the total amount of money; do you know?—A. No, I could not say exactly. I think he makes a great per cent on his medicines, because he does not make very much on his hospital. Every man he sends there he has to pay for whatever he wants.

Q. Are there ever times when there are quite a number of men in the hospital?—A. Yes; burned, disabled, and sick. If they have to have the doctor's care they are sent to the hospital.

Q. Do you think it will average a half dozen or dozen men, or 1 or 2 men in the hospital?—A. I have seen 10 and 12 there at one time; and probably in a month or so, at times, there would not be anyone there. There is an average of 1 or 2 the year around.

Q. All of this time the physician would be getting $1,100 per month?—A. Yes, and paying for the drugs and for the medicine.

Q. Then he charges you aside from that for the treatment of your families?—A. That just includes the men at the smelters.

Q. Do the men generally employ the same physician for their families?—A. Being acquainted with him, they generally do, but there are a few outside physicians. He has always been my family physician. He has always treated us very well. He is a very fine physician.

Q. You make no complaint about having him as your physician and paying him $1 per month?—A. No; some do, but I think it is only proper myself.

Q. Do you not think as the men become organized they will exercise a little more freedom and employ someone else if they see fit?—A. I think they will have it so that a man can have any physician that he wants.

Q. Your organization will free you from being obliged to employ a physician secured by the company?—A. Yes, the organization intends to take that matter up

right now, as Mr. Grant does not want to be bothered with it any more; and a man can then have Dr. Lemon or Dr. Taylor, or any other doctor he wants. He claims that the present anti-scrip law bars them from taking that dollar out of the men's wages, and that he would rather have nothing to do with it.

Q. This gentlemen has a very lucrative practice out of the employees of the smelters?—A. He has, although he claims that for some months he loses money.

Q. He claims that he does, but he never submits figures to you to show whether he does or not, does he?—A. No; I just have his word for it.

Q. You spoke about colored labor not being a success at the smelters, and you gave as the principal reason that they could not stand the heat of the furnaces; is that what you said?—A. The only experience I had seen in that was here at the Globe. One time they got in about 60 colored men, and at night I believe they had 4 left out of that 60 they started with in the morning. They said they could not stand the heat.

Q. It is something new to hear that the negroes can not stand heat; it is generally understood that they can stand it much better than a white man?—A. The artificial heat is worse than the sun heat. Those I saw working there said they could not stand the heat, and in a week there was not a colored man around the place.

Q. Don't you think it is attributable to some other cause than the heat; that they can not apply themselves as well as the white men do?—A. It may be; they gave it out as being too hot.

Q. There is no prejudice against the colored man at the smelters on account of their color?—A. No; they work them in Pueblo some.

Q. Have you any of them in the unions?—A. No.

Q. Would you meet them in the union if they were employed about the smelters and would come into the union?—A. Yes.

Q. (By Mr. RATCHFORD.) You have stated that the employees of the smelters demand a reduction from 10 to 12 hours per day to 8 hours?—A. Yes.

Q. And a reduction of the wages from $2.75 to $2.40?—A. Yes.

Q. They are willing to work the shorter work day for $2.40?—A. Yes. That is the highest scale that is paid in the smelter.

Q. Why do you demand such a reduction in the hours?—A. Because we feel that it is impossible for a man to work longer hours.

Q. How long have you been working; how many hours in a work day?—A. Twelve hours.

Q. How long have you been working under that system?—A. Since 1882.

Q. And you have at last realized that it is impossible to keep it up?—A. We realized that some time ago, and we are finding it out more and more every day that it is impossible.

Q. Have you ever made an attempt before to establish a shorter workday?—A. Yes.

Q. How?—A. By applying to the management for 8 hours.

Q. How many times have such applications been made?—A. Made twice or three times to my knowledge. I was a committee of one to see after it, and I went to Mr. James and spoke to him about it, as he was then the manager at the Grant.

Q. They refused in that case, did they?—A. They refused absolutely except for one part of one department; that is the furnace room.

Q. In every case it was granted for that?—A. Yes.

Q. What percentage of the total number of employees did that shorter workday affect?—A. Not over 2 per cent.

Q. Did you ever strike for it before or stop work when your demand was refused?—A. No.

Q. It merely died out?—A. It just died out.

Q. And now what is the motive that causes you to strike for the same demand more than at the time the other demand was made?—A. The legislature is one thing that has given us this chance; and I think it was a very good idea to improve it. We think the law is constitutional, and that it is our time to have 8 hours.

Q. You feel more encouragement by reason of the enactment of the law?—A. Yes. We don't want to violate the law. Not knowing whether it was constitutional or not, we did not want to take those chances; and we know that 8 hours is sufficient for any man to work.

Q. Your position, then, as compared with your former demand is simply this, is it, that by striking for it before to enforce your demands for a shorter work day you would have sought to have brought it about through your own force; striking for it now, you are simply striking for the observance of the law?—A. Yes.

Q. Asking for an observance of the law?—A. Yes; that is my position.

Q. In the minds of the workingmen whom you represent, has this law been relied upon from the day on which it was to have taken effect?—A. Yes.

Q. From that day you have been idle, and asking for its enforcement?—A. Yes.
Q. It is now before the courts, is it not?—A. Yes.
Q. What effect will the decision of the courts have upon your demand?—A. Well, we feel that, regardless of the supreme judges, 8 hours is what we want.
Q. If this decision should be favorable to the workingman, do you or not believe that the employers will concede it; or are you not in a position to state?—A. I do.
Q. If it should not be sustained, but be declared unconstitutional, what will be the position of the workingmen?—A. We will stand in the same position we did when we went out—that we want 8 hours.
Q. You think that the workingmen will contend for the shorter workday regardless of the decision of the court?—A. Yes; for the present time at least.
Q. The difference between the wage schedule that you demand now and that paid you formerly is 35 cents per day?—A. Yes.
Q. If you compute the different rates per hour?—A. Yes.
Q. What did the former rate pay you per hour?—A. 22½ cents, I think; It was not more than that. I can not remember now just what it was, but I had it all figured up. It is about 22½ cents for the 8-hour men. I figured it out a little more in round numbers—23 cents per hour.
Q. And the price you now demand is $2.40 for 8 hours, which makes 30 cents per hour?—A. Yes.
Q. Why do you demand the increase?—A. Well, we know the markets are higher for their product and we claim that we should have a share of it. The facilities for treating more ore at a less expense to the company are very great. The cost of living for us is more. Our rent is higher; provisions are higher; meat is higher now than it has been any time in a number of years; and we are doing more work for the same money than we have been doing.
Q. And you are doing more work for the same money?—A. Yes, because there are less men to handle the amount of ore. There used to be 30 men on 10 furnaces, and now we are treating more ore in the same department with 18 men. Our work is harder, and their expenses during the last 2 months have been reduced by the simple method of skimming the ore bullion, which makes just that much more work for us and a great deal harder, and we are getting a great deal more smoke, and in standing in the heat while we are tapping the furnaces it is very hard on our health. Formerly we had to go in about every 15 minutes, and now we have to go in every 3 or 4 minutes. And for this we thought we ought to be recognized a little. And, as I said, our expenses of living are greater. Coffee is lower than then, but meat is higher and rent is higher. It has been almost impossible to get a house up to very lately, and consequently the real estate men have been putting up the price. Now for the shorter hours, with the same reduction in wages, it would be impossible for us to exist. Some of the men could do it and others could not. A man can not live on $1.32 per day.
Q. One dollar and thirty-two cents is the price the company wants to pay you, is it?—A. Yes; that is the lower schedule. Another thing; there is a smelter running right within 500 or 600 feet of the smelter where we are working that is working 8 hours at the present time, and has been so working since the 15th of the month, and doing the same work. They are working for $1.60 for 8 hours and doing the very same work that we have been doing. We have a right to the same scale of wages that other people get. There is another new smelter works started this morning, one that has been remodeled, and it is paying the same wages; so we are not asking any more than other outside help is getting. In outside labor, in the open air, where they have good health, they are getting $1.75 on the street for 8 hours' work. I think we are entitled to the schedule of wages that we are asking at this time, for the simple reason that the cost of living is more. They get the benefit of the higher markets, although they claim they do not, and we think we are entitled to some of the benefits.
Q. Is your judgment influenced to any extent by the wages paid in other trades?—A. Yes; in any labor trades that work in unhealthy atmosphere.
Q. Have the wages of the other trades advanced in proportion with the demands you have made?—A. No; not that I know of. It is in this smelter work, the same work, that they have advanced. They were paying $1.60 and $1.50 for 10 hours' work, and now they pay the same for 8 hours' work.
Q. In what branch is that?—A. Smelting works.
Q. I have reference to the labor condition all over. Is your demand influenced by the general rise or fall of wages in other trades?—A. No; it has not been.
Q. They are not influenced by it?—A. We have not taken into consideration what wages have been paid outside of the underground work, and we claim that our work is fully as hard as theirs.
Q. If your judgment was not influenced by the condition of the labor market gen-

erally it must be measured entirely by the rise and fall in prices of the necessaries of life.—A. It is.

Q. Entirely?—A. Yes.

Q. Can you recall the wages that were paid in the department to which the company has conceded the eight hours prior to the concession which you say your company made some time ago?—A. The first time I worked there we were getting $3 per day for 12 hours.

Q. And what wages were paid when the 8 hours were granted?—A. It was not granted.

Q. You said awhile ago it was granted in a certain department.—A. It would have been granted for that department alone, but not as to the others.

Q. It was not accepted because it was not general?—A. Yes; that is it. There were 60 men, in two shifts, who could have got 8 hours where they had been working 12.

Q. Now, you said the furnace men, on the average, were not able to work more than 22 days per month?—A. Yes; that is a very high average.

Q. At the former price of $2.75 per day?—A. Yes.

Q. Making that about $50 per month?—A. My check has often been less than that.

Q. I have taken the estimates that you have given; you say you have given the very highest average?—A. Yes.

Q. How many days per month, in your judgment, would the men be able to work if their time was reduced to 8 hours per day?—A. I think 26 days would be an average for the year.

Q. You think that is as reasonable an average as the 22 days under the longer work day?—A. Yes.

Q. Do you think the 26 days could be worked by the same men under the shorter workday without greater injury to their physical health than would result from 22 days under the longer workday?—A. No; I don't think so. It is impossible for a man to work any length of time without a certain amount of rest.

Q. To ask the question direct: Would you rather work 26 days per month, 8 hours per day, than work 22 days per month at 12 hours per day?—A. Yes; I would feel better at the end of the time.

Q. You would prefer the shorter workday and increase in days?—A. Yes.

Q. You believe you would be a better man physically at the end of the month?

A. I know my health would be better.

Q. If the exchange is preferred as regards the hours, why should the same rate of wages be objected to? Under the long workday the average you gave would be $50.50 per month; under the shorter workday, according to the estimate, your wages would reach $62.40 per month. The question I should like to have you answer if you can, is this: Living on the $50.50 under the longer workday, why can't you live on that amount per month under the shorter workday?—A. Well, we are just simply existing on that, and we would like to have money enough so that we could have something outside of our bare living expenses, to clothe our children better and take our children out for a car ride once in a while, or something of that kind. We are just simply existing under the 12-hour schedule.

Q. Are we to infer that if there had been no legislation on this subject it is probable a demand would have been made by the workingmen at this time for an increased rate of wages, even though there was no demand for the shortening of the hours?—A. Our first demand was about 8 hours, regardless of this law. It has been talked about now for the last year, and getting stronger all the time, on the sole question of 8 hours, regardless, as I said, of the price, provided they could all get it and not only a part of the men get it; because I don't believe that is proper.

Q. Were you contented with your wages under the 10-hour workday?—A. No. Working as the higher class in wages we were contented at 12 hours, but the rest of them were not contented.

Q. Is it probable that the demand for higher wages would have been made if the 8-hour workday had not been taken up by the legislature?—A. That was the intention I believe.

Q. That was the intention?—A. Yes.

Q. This law that we have been talking about also applies to the miners, does it not?—A. Yes.

Q. Miners usually work by the ton, or coal miners work for so much per ton. If you were working by the ton instead of by the day, is it probable that simultaneously with your demand for the shorter workday an increased price per ton would have been made?—I could not say with regards to that, not being much acquainted with coal mining. I understand that they are not working full time at all, but are probably working 3 or 4 days per week. I don't know whether it is on account of the failure of market for the coal or whether it is the fault of the company or the men.

Q. Well, if you were working on piecework at the smelter, would not that change the situation? Would the demand for an increase have been made, in your judgment?—A. There would have been a demand made to bring it up, and for the same scale of wages.

Q. To what you are now asking?—A. Yes.

Q. Why was it—I ask it and if I am wrong you will please correct me—that, regardless of past schedules of wages, regardless of the number of hours worked in the past, you simply took the position that you can not work more than 8 hours per day in justice to yourself because of the peculiar character of your work, and the injury that results to your health, and following that demand you took the additional position that you can not live for less than $2.40 per day and support your family? Am I correct in that statement?—A. As to the 8 hours, we concede that we can work longer than that and live, but we can not work longer than that, continual work, and have our health. The man getting $2.40 per day could live upon it.

Q. He can live on that?—A. Yes, he can live on it all right, but the man getting the lower scale and the man getting the middle scale can not live upon it.

Q. I take it that the man who is getting the lower scale is getting a rate commensurate with the labor he performs; is that right?—A. In some instances, yes. There is still another scale we have not touched at all, better paid operators, wheelers, feeders, and some of the roasting men, who are called side men. We are asking $2 per day for these men for 8 hours' work, and they have been getting $2.25. They are offering $1.66⅔ per day for 8 hours. So you see it brings the scale of wages so low that they can not live upon it. While I can live, I like to see the others live also.

Q. You recognize that there must be a variation commensurate with the labor performed and the skill of the workmen?—A. Yes.

Q. And that the basis must be sufficient for in order that this unskilled labor may secure wages sufficient to live upon?—A. Yes.

Q. It has been stated before this commission that some of the individual smelters, outside of the trust, were running for a rate of wages which is the same as offered you by the trust. What have you to say in that connection?—A. They have not offered us that.

Q. They have not offered you any?—A. No; not that scale of wages.

Q. Did I not understand you to say that they had offered $1.32?—A. No.

Q. Have they offered you any rate at all?—A. Yes.

Q. What was it?—A. Two dollars for the higher grade of wages.

Q. Are there not smelters now running in Colorado, to your knowledge, which are paying the same grade of labor $2 per day?—A. No; not for that class of work.

Q. Are there any smelters working which are paying the scales of wages that were offered you by the Grant Trust?—A. No.

Q. In any department?—A. Yes. The departments are all the same, or about the same. I think it is the feeding floor.

Q. What smelter is that?—A. The Guggenheim. Some of their departments are paid the same.

Q. They are working on the shorter workday?—A. Yes.

Q. But they are not getting the wages you demand from the trust, are they?—A. No, not quite. In some it is about equal.

Q. The difference is not great?—A. There is very little difference. I have a list of the Guggenheim scale here.

Q. Give us that scale, and also the scale you are asking?—A. The scale for 8 hours, Omaha and Grant Smelter, $2.40, $2, $1.60; that is the general scale that we are asking. Now, the Guggenheim, for that $2.40 work is paying $2.30. There has always been 25 cents difference in the Grant scale of wages—25 cents higher than in Pueblo. For the feeders we are asking $2; the Guggenheim is paying $2.20. For the side men they are paying $1.80; we ask $2. And for the common labor they pay $1.40, and we ask $1.60, the same as they pay in the smelters where they are doing the same work.

Q. I want to ask you a question of a general nature before we close. As a working man I want to ask you whether or not, in your judgment, the accomplishment of the eight-hour workday is not the most important thing that you could bring about?—A. Yes.

Q. Do you believe it should be jeopardized by anything?—A. No; I think every man should have it.

Q. Do you think that when an eight-hour workday is within the reach of men it should be endangered by a small consideration in wages, or that they should avail themselves of the eight-hour workday and trust to the future to regulate wages?—A. I believe there is no question so important to the workingman now as the eight-hour workday, regardless of anything.

DENVER, COLO., *July 17, 1899.*

TESTIMONY OF MR. GEORGE CLARK,

Coal Miner, Louisville, Colo.

The subcommission on mining convened at 2 p. m. July 17, 1899, Hon. John C. Bell presiding. Mr. George Clark, of Louisville, Colo., was introduced, and, after being duly sworn, testified as follows:

Q. (By Mr. RATCHFORD.) Will you kindly state your full name?—A. George Clark, Louisville, Boulder County, Colo.

Q. What is your occupation?—A. Mining of coal.

Q. How long have you been engaged in mining?—A. Twenty-seven years.

Q. What part of that time in this State?—A. Eleven years.

Q. And prior to that time?—A. In England.

Q. What company are you now employed with?—A. By the Northern Coal Company. At present I am not mining coal. I am the helper for the machine runner, and my business is coaling the machine. I am his helper.

Q. Are you a member of the labor organizations?—A. Yes.

Q. What organizations?—A. Western Federation of Labor.

Q. Do you care to describe the constitution and features of that organization?—A. The full purpose of the organization is to try to better the economical condition of its members, and also to protect these members against sickness, and to secure a proper and healthful condition in the mines. Those are about the three propositions that are involved in the constitution of the Western Federation of Mining. There is one more consideration—and I believe it is one of the best considerations we take up—and that is the education of its members.

Q. In what manner does this organization seek to improve the economic condition of its members?—A. By legislation.

Q. And what other manner?—A. Well, there are other methods—by conciliation and arbitration. If we have any dispute when demands are made, and we feel justified in such demands and we can not effect a harmonious settlement between the employer and the employee, we propose a settlement through arbitration and conciliation.

Q. And in case they fail?—A. There is only one other method in case we fail, and that is to strike.

Q. But the more conservative means are always resorted to in the beginning, are they?—A. Yes.

Q. And the strike is never resorted to unless all other means fail?—A. Yes.

Q. What is the present membership, so far as you know?—A. About 15,000.

Q. Is it increasing in membership or decreasing?—A. It increased 6,000 for this last year. We had 10,050 members in 1898, and at the last convention we reported 16,070 members, I think.

Q. What proportion of the whole number of miners of your State does that include?—A. I could hardly say.

Q. What is the number of miners in the State, organized and unorganized?—A. In the States of Idaho and Montana I think there is a larger percentage of the organization.

Q. It extends beyond the limits of this State, does it?—A. Yes.

Q. Would you state the number organized in this State?—A. In the Western Federation of Miners?

Q. Yes; in this State.—A. No; I could not positively say.

Q. Have you any other miners' organizations in Colorado?—A. No; all the other organizations are brought under the operation and fealty of the State Federation of Labor. We are a part of the State Federation of Labor.

Q. What is the State Federation of Labor composed of?—A. All the unions.

Q. Local unions or State unions?—A. Local unions. There was a Western Labor Union organized a year ago last May, and we affiliate ourselves in a body with it. A large percentage of the local unions are still affiliated with the State Federation of Labor.

Q. Local unions of the miners?—A. Yes.

Q. It is pretty hard to get at the number of miners affiliated in your State?—A. I should judge, so far as the coal miners are concerned, not a great per cent of them are organized in the State of Colorado, outside of Boulder County. We are the stongest organized county of the State, so far as Colorado miners are concerned.

Q. What is the Western Labor Union, and where is it located?—A. Butte City, Mont.

Q. What is it composed of?—A. All grades of local unions, from the typographical

union down to the horseshoers' union, coal miners, and all all other kinds of miners, etc.

Q. The Western Federation of Miners is affiliated with that organization?—A. Yes; affiliated with the organization as a whole.

Q. Have you any other affiliations?—A. That is all we have, and that is all the affiliation that the Western Federation of Miners has.

Q. What relation do you bear to the unorganized?—A. From an organized standpoint we have no relation. Of course we seek to bring them into the organizations by persuasive measures.

Q. Is that the only influence you use—persuasion?—A. No; we circulate literature among them and try to educate them up to the principles of the organization. Sometimes you can reach a man in that way when he will not listen to you if you try to talk to him. We try to show them the advantages of the union in that way.

Q. Do you use any other influence to bring these men into the organizations?—A. None that I know of.

Q. In the case of strikes, to what extent does the action of the union govern these men who are not members?—A. In case of strikes, where there is a dispute, or a demand made, or reduction submitted, we generally meet the nonunion men; and the union men generally meet and decide upon the unit of action, whatever that action may be, and then if a strike is declared by a majority of all, then and in that case the nonunion men get the same support as the union men.

Q. How are these strikes supported?—A. By the Western Federation of Miners out of a general fund. If there is not a sufficient amount in the general treasury to carry on the strike and to support the men out in the strike, then the membership is assessed.

Q. Do the affiliated organizations bear any part of this expense?—A. Yes.

Q. Is there any such thing in your labor union as denying the individual, whether organized or unorganized, liberty of contract?—A. No; I think not, so far as I know.

Q. You don't encourage it, however, do you?—A. No.

Q. Your principle is, as I understand it, to make collective bargaining for the whole?—A. Yes.

Q. Do you find that an improvement over the older methods of individual bargaining?—A. Well, I think it is in some cases. In some cases it is better and works a development.

Q. In dealing with the union collectively and for all its members, is it the rule that the question or subject to be dealt with has to be presented to the local unions and officially discussed and a well-defined opinion as to the wishes of the members agreed upon?—A. Yes; that is always the way of it; always the method of procedure. The course is carefully considered before adoption. We have in the constitution of the Western Federation of Miners a provision allowing the district freedom, makes it quite a distinct union, which union then is expected to send its representatives to the district union, and any proposition that may come up is taken up by the district union and argued, and then submitted to the local unions for their approval. Whatever action the local unions themselves take would be the official action. If the mine operators submitted a reduction in prices, or different system of working the mines, of mining coal, or any method that would seek to disturb the present system, or destroy it, then the district union would meet, and each union is allowed three delegates, and they would discuss the matter and would formulate a line of procedure for a recognition of the local unions that would be submitted to each local union and a vote would be taken on it. The result of the vote would be the outcome of that proposition.

Q. You always work under the referendum method? Strikes are declared by the majority of votes?—A. Yes.

Q. Majority of the members?—A. I think it is a three-fourth vote. I am not sure, but I think it is.

Q. Not a two-thirds vote?—A. No. Of course, the strikes have to be approved by the general executive board after being ordered by the local unions. It must be submitted to them afterwards. They have to approve it.

Q. What have you to say as to the feasibility of incorporating trade unions?—A. I think it would be a good thing. I don't see, if corporations are allowed to incorporate, why the producer should not be allowed to incorporate. Of course, they would be legal then, just the same as the others, and we would take the same chances before the law as they would, and if the law is good for them it ought to be good for us.

Q. You believe on the whole that it would have a good effect?—A. I believe it would.

Q. Do you care to enumerate the causes leading up to strikes?—A. I can only state so far as our own district is concerned. The chief cause in all districts is the

discrimination of the corporations in prices and methods of working against union men.

Q. Discriminations against whom?—A. Against union men as a whole and not against any individual.

Q. They discriminate against the union in what way?—A. By seeking to keep the men out of it.

Q. Does that have a tendency to lead to strikes?—A. It has a tendency in this way: It creates dissension and dissatisfaction among the workers as a whole, and the conditions not being such as the workers would desire them, the general outcome, in my experience in our district, has been that a strike has been resorted to for the purpose of amending them. For instance, the companies in that district in the past have sought to alter the conditions that existed from 1888 until 1893 without serving notice on the employees, without giving them a day's notice, such as altering the screens, etc. By the agreement we had at that time, the screens should be 12 feet long, 4½ feet wide, and 1¼ inches between the bars, and 27 inches pitch. They sought to alter the conditions without giving any notice that they would alter them. There would always be some people who would be unfavorable to the companies' interests, and they would seek to beat the men, and the men would not give way, and the result would be a strike.

Q. To what extent were these conditions altered?—A. To the extent of making the screens 14 feet long and from 5½ to 6½ feet wide. The screen at that time was a flat bar, and they sought to put in the diamond screen.

Q. What is the space between the bars with the diamond bar?—A. The same as the other—1¼ inches.

Q. Do you think that such radical changes going into effect without notice was one of the chief causes for the strike?—A. I certainly do; I know it was.

Q. What would this change mean to the miners, in dollars and cents, per month or per day, on an average?—A. Well, now, that I could not say without figuring it out, and I have not had the time.

Q. In a general way?—A. In a general way, in my opinion, it would be all the way from 3 to 5 per cent. I think it would be about that. I don't want to state in any way but what I really know.

Q. Are there any other causes?—A. Yes, there have been other causes leading up to dissatisfaction and stoppage of work. There is the ventilation of the mines; it has been bad, in a bad condition; the men protested against it, and some of them would go home on account of it, and as a consequence, when some men went home the majority of them would go home. The ventilation has not been what it should be.

Q. Why did they go home?—A. Because they were not able to work—insufficient air and mines full of smoke, and the men can not work in it any length of time as a man ought to work; the men can not work in these places. There have been other causes that have created dissatisfaction and stoppage of work that you ought to see. Suppose we blow the whistle to return to work to-morrow. There would probably be two or three box cars in there where there are about fifty or a hundred men at work. That would start them up for about an hour or an hour and a half, and then there would not be any more cars and the men would have to go home again, and at last they would get disgusted with it and discouraged and not work any more until sufficient cars were obtained, to last a day or two, and then go to work. We don't purpose putting on our day clothes and going to work just for an hour or two and then have to go home and make another change of clothing. These regulations would create dissension and dissatisfaction and there would be a stoppage of work.

Q. You point out these three causes as being the chief sources of strikes?—A. Well, there are others. These are only the temporary ones, leading up to the general strikes.

Q. Any strikes to increase wages, or by reason of reduction?—A. Yes, we have had several strikes to advance wages and to protest against reduction of wages.

Q. Were they successful?—A. Some of them were and some were not. We had a strike two years ago last December and were successful in it, and on the 17th of January they made another demand on the mine operators for an advance in wages, and if I remember correctly we struck seven days, and submitted the case to the State board of arbitration. After submitting the case to the State board of arbitration the companies refused to arbitrate, and finally, after two or three days, there was an agreement effected to put the case into the hands of a board of arbitration, and both parties elected their representatives and the case was to be heard on a certain day. The day arrived, and I think they sat five days in session—four of us—and the decision was in favor of the men. The companies closed down the mines and would not abide by the decision. They were the Lafayette mines. At that time there were two of them, and after they closed down the mines they were put into the hands of a receiver. Judge Johnson, of the district court of Arapahoe County here, ordered

the receiver to go and operate the mine, and find out whether it could be made to pay. The receiver filed a report with the court, and said that the mine could not be operated at these prices. As a matter of consequence, the mine was closed down and the other mines were closed down. They tried to force the issue, and the men all stopped in the Lafayette district under that company. They held a mass meeting. Five members compose one district. After they held the mass meeting they decided that the Lafayette men should come over to Louisville, Marshall, Story, and Erie, and that they would double up with them.

Q. What do you mean by double up?—A. That these other men would take the men in with them.

Q. Share their work with them?—A. Share their work with them. After they did that, and the question of arbitrating without a strike was not successful, they determined then the only thing was for the whole district to come out again and see if the decision of the State board of arbitration could not be enforced and the mine operators compelled to operate again. The property was then turned over to the Northern Coal Company in some way; I don't know just what way it was, but it was turned over into their hands. We met the president of the company several times, and they still would not abide by the decision of the State board of arbitration. We affected a compromise and the men resumed work. The whole district resumed work. The terms were something like about three or four cents less than what the State board of arbitration's decision was. That was the issue made at that time, though we did everything we could to avoid a strike. That showed to me that under the present law, so far as the corporation could not be made to abide by the decision of the State board of arbitration, it was not of any great benefit to the worker.

Q. Do you know any other instances in which the decision of the board was ignored by their side?—A. No, I do not. I think that is the only case up to this time. There was a case between the Baldwin miners and the Citizens Coke and Coal Company, and the State board of arbitration rendered a decision in that case in favor of the men, and the Citizens Coke and Coal Company carried it out to the letter, so far as I know.

Q. From your experience in the State of Colorado and in the mines of that State, what have you to say as to the economic result of strikes; do you think they have been economical from the standpoint of the workingmen or otherwise, as a whole?—A. Well, as a whole I would say no. From an economic standpoint, and in certain cases, I would say—yes. If you, for instance, take the case we had in our county; we had a strike that only lasted four or five days. I expect the condition of the air had something to do with our gaining it, but nevertheless we gained it and gained the advance that we were seeking. Now in that case the economic condition was such that it was a benefit. It was only a local strike. It was only one mine, because all the other mines were working.

Q. You think that as a whole, then, strikes have not been economical to the workers?—A. No.

Q. Have a majority of them been lost or won, in your judgment?—A. Well, I can not answer as to general history. I would not like to say; I don't just at this time remember; but in our district they have not been successful.

Q. Where the point of issue, whether it be a question of wages or what it may be, is directly lost to the miners after a number of weeks of idleness, is it your judgment that any economical advantages result from such idleness?—A. Well, sometimes, and sometimes not. I can recite you cases where the economic condition of the worker has been materially benefited, while we have lost the strike; and I can point you to cases where, on the other hand, it has not been beneficial to the economical condition after the strike has been gained. And there are times when a body of organized men pass through a strike and become somewhat demoralized, and lose sight of the organization and everything of that kind, when their economical condition is benefited. In some cases it leads men to success and makes them more determined; and we have always been able in our strikes to go forward with a movement, whether we won or lost, and maintain our organization. I don't want to be quoted this time that I am not in favor of strikes. I am not in favor of strikes where conciliatory means can be used, whereby strikes can be prevented. I am in favor of strikes only where it is the last resort that the men have. When conditions come to a strike, I say strike.

Q. Speaking of the economical advantages, from what you state I take it that the economy of the strike is not confined to merely a question of immediate gain or immediate loss in wages?—A. No.

Q. There are other underlying principles that tend to bring about an improvement or prevent one?—A. Yes.

Q. And that is rather hard to measure?—A. Yes.

Q. If it were not for the strike and the fear of the strike on the part of the employers, what, in your judgment, would be the result?—A. I believe the economic condition would be worse than it is to-day.

Q. What is it that maintains wages to the present standard in your State; what are the principal factors?—A. The principal factor that maintains wages, so far as the coal miners are concerned in Boulder county, is organized labor.

Q. Is there anything else?—A. No, I don't think there is. The political situation does not help us a particle.

Q. Is it customary or otherwise to advance the wages of men without demand or request?—A. I have never been able to do it yet, and I don't think the companies are that generous that they will come to you and give you an advance without some effort.

Q. They are not in the habit of doing that?—A. Never have seen it; never have heard of it at all.

Q. Is the charge sometimes made against the miners where there is a strike, that the miners as a trade are more ready to strike than are the members of other trades; is that generally true?—A. Yes, it is; they make that assertion upon us. Whether it is true or not I don't know.

Q. From your experience and observation what would you say in regard to that?—A. Whenever I advocated a strike I do so only under conditions that may stand as just; I never propose a strike unless I can go before anybody and justify my action.

Q. Is the claim generally true that the miners are more ready to strike than the members of other trades, and if so, why?—A. I don't believe it is so.

Q. I understood you to say it was?—A. I said, they make that assertion, but as to the truth of it I would not say, I don't believe it. I don't believe they have a strike that they could not go before anybody and justify. As to the demand, we have not always been successful in getting it.

Q. Can you briefly state why it is that so many differences arise in the mining business, as compared to other trades, even though they don't result in strikes, although they may justify them? Is it because there is some peculiar condition in that trade that other trades are free from?—A. I think so, to a large extent, yes.

Q. What are the peculiar conditions?—A. The condition of the coal miner is a peculiar condition, and it is a condition that a man must make a study of it before he can understand it. For instance, up in our district, in Boulder County, they have two methods of work. We have some men working by the pick and we have others that load after the machines. Now, that coal must be mined, and it must be sheared when it is done by the pick. Then the miner must load it out, and then he must run it over an inch and quarter screen, and then it must be weighed; and then he must timber that place, so that he will be safe from danger; and as a general rule he must use considerable of his time in preparing for coal, so that he will not be injured—what we would call spiking it out or splicing it out into blocks, and more or less of his time is a big loss, and the coal miner has to stand that loss. There are many peculiarities about the coal miners' business that I could recite now. Placing his coal, etc., is a peculiar condition. Now, figuring all of these things out to arrive at a just price for his producing that coal is a matter that everybody can't get at. They don't understand it. The least little alteration in any of these particulars may amount to a reduction, and if the companies seek to alter any of these conditions without notice it creates dissension, and that is the way they do. They probably alter this a little and that a little about his work, and it makes it costlier for him and cuts on the price that has been established and agreed upon.

Q. Conditions are constantly changed in the mines, are they—that is to say, new and unexpected conditions are being discovered?—A. Yes.

Q. Which necessitates changes in wage schedules?—A. For instance, I had such a case just brought to my mind. To-day a man will take down a fall of coal, and the roof or the ceiling, whatever we call it, is in such shape that it will have to be timbered, and that will take a good deal of time and a good deal of timber, maybe; to-day his coal may be hard and to-morrow it may be soft; and we are paid in that district on the lump-coal basis, so the more lump coal you get the more you make, and the more slack coal you get the less money you make, because it goes through the screens. If a man has a condition like that come about he can not make much. So that these conditions alter some every 2 or 3 days and sometimes every day. Some days a man will get stuck on dirt coming into his coal, and they will prevent it from doing in. The fact of the matter is he will have to put more powder in and blast his coal down, and then he will have to pick the dirt out from among the coal. If he goes not, and it is dumped into the box car, he will probably be discharged.

Q. Is there a full supply of timbers for your men at all times?—A. No, not at all

times. Sometimes a man is put to a great deal of trouble and inconvenience and loss of time by having to go and borrow some timbers from his neighbor and carry them in his place to hold up the roof.

Q. Have you any State laws governing that?—A. Yes, and they are no good; the State laws don't amount to a hill of beans.

Q. Is the safety of your mines and the machinery examined by the inspector?—A. Once in a while they are.

Q. How often?—A. They are supposed, according to law, to be examined once a month, but I think they are examined once every 6 months; that is about all. I don't know what the State engineer does, but I know the coal mine inspectors don't examine them more than once in 6 months, although they claim they do. I don't believe it is done. I don't believe it is their fault, either; there is only one inspector and a deputy, and I don't believe they could get around all the mines and examine them accurately.

Q. Is it not the duty of the inspector of mines to see that these special laws provide for sufficient time in which to be complied with?—A. Yes, it is his duty. What can he do? If he tells the company that a certain man won't timber, there is no penalty to enforce it. I will give you a case that happened not more than 2 months ago: A mine inspector went into a mine and went into two men's places, and the places were not in a very safe condition, and he told them to come out. He went to tell the company or the superintendent that they would not allow these men to work there any longer, and that he had to tell them to quit. Well, the superintendent would not give them another place, and they had to work there or no other place. Now, they didn't timber it or fix it to make it safe. They either had to lose the work, by the inspector telling them to come out of that place, or, to protect their families—because there were probabilities that they could not get work at any of the mines—go back to the old place; and they simply went back to the old place. The company would not make the place safe, and they had no way of enforcing the law because there was no penalty behind it, and the consequence was that the men went back to work and they never did anything further about it. What is the use in talking about the law? If you can not get anything through the labor organizations you can not get anything through the law.

Q. You have never had any experience as to the efficiency of the mine-inspection department of the other States, have you?—A. No.

Q. You have had some experience in England?—A. Yes; they have different laws there. The inspector's department is one of the institutions of the State.

Q. Why should it not be here?—A. It could be if the laws were all right. That is just what is the matter.

Q. The principle of the law is not what you object to, it is rather the inadequacy of it?—A. Yes. That is where I spoke of the law. The law is here, but it don't amount to anything. In England I know they could not be better. So far as the sanitary condition and ventilation in England is concerned, they must attend to it, and that is all there is about it.

Q. To what extent does the department render service to the miners of Colorado?—A. I will tell you; in my opinion, the department renders no assistance whatever, under its present conditions, to the miners of the State of Colorado.

Q. I am speaking of the coal miners, you understand?—A. I don't know what the metalliferous department does.

Q. What have you to say as to the boycott or the blacklist?—A. So far as the boycott law is concerned, it is a proposition, in my opinion, which is to be used only at certain times. It is just about the same as the strike. If I could not effect a settlement in any other way than by strike, then I would say that I would strike. If I could not make the strike effect a settlement with the employer, then I would apply the boycott. That is as far as I believe in the boycott. Now, if there should be such a thing established as preventing corporations from blacklisting a man, then I would say, abolish the boycott law as well; but I will tell you, it is a hard matter to pass any kind of legislation to prevent the corporations from blacklisting a man.

Q. Do you mean to say abolish the boycott law or the practice?—A. Abolish the law and the blacklist law; abolish them both. If you keep such a thing I would seek to get an equal practice for the other people.

Q. You want the members to abolish the practice if the practice of the blacklist is abolished?—A. Yes.

Q. (By Mr. KENNEDY.) Is it a fact that there is an antiboycott law in this State; that the last legislature passed a bill repealing it, and that the governor refused to sign that bill?—A. That is my understanding of it.

Q. So that there is an antiboycott law now?—A. Yes; there is a law preventing boycotting.

Q. (By Representative BELL.) Is it not a fact that the law that was passed by the legislature was against blacklisting, and that the governor declined to sign it because there was a law on the statute book at the time against both blacklisting and boycotting?—A. Yes; I understand that, but you must understand that the blacklist law was never repealed.

Q. Is there not a law against both blacklisting and boycotting on the statute books now?—A. I don't know whether there is one against blacklisting, but I know there is one against boycotting.

Q. (By Mr. RATCHFORD.) Is blacklisting practiced pretty generally?—A. Well, I don't know whether it is practiced generally or not, but I know it is practiced.

Q. Can you cite us to any cases in which it is practiced without injury to yourself?—A. Well, I would not like to do that, but I know it is. I know of two men who have been blacklisted in this State. They can not go to work without they have friends to give them work. I know of one man that I had to intercede for myself; that is, I didn't do it myself, but I got another party. I had to get a preacher to get a man work. I was acquainted with the preacher, and the man could not get work, and so I asked the preacher to intercede for him, and he got him work.

Q. Do you think it would be dangerous to you and your family to give such information?—A. Yes, I do; I know it would be.

Q. Do you believe that the system of blacklisting is pretty well perfected and practiced generally throughout the State in the mines?—A. Yes.

Q. What other methods are employed to influence results other than the boycott and blacklist? What other methods are employed by the other side to influence the termination of the strike in its favor?—A. I will tell you there are lots of ways. I have known them to pay employees in their own company so much per day when they have had strikes to go around and find out what this one says and what the other one says; and then they would come in with the report that this man had sold out, and another man was telling this, etc., until they got up a general dissatisfaction among the men. I have also known them to send men from Denver, pick them up in the saloons, to get a keg of beer and set them up to the boys to get them to go back to work, and methods of this kind. They employ all of these methods. I have known them to give them money and pay them to go out from Denver. I know the men who were sent out there last year by the company to get the men to go to work.

Q. Is it true that in cases of strikes almost any methods known are used by the other side that are calculated to produce results; that is, of course, within the limits of the law?—A. Well, I can say, so far as my experience goes in the labor movement—and I think I have been near the head and in close touch with all the projects that have been set forward—that the object is only to accomplish results; and I can say that we have not resorted to any other influence than solid facts and reason. We propose to meet the operators on a fair basis and to show them that we know that we are right.

Q. Do you support your men?—A. The best we can.

Q. Do you ever call a strike at the mines of competitors who are supplying your trade while your men are idle?—A. Sometimes we do, but as a general thing we don't have to.

Q. Is there anything known to you that you don't do that is legal?—A. There is nothing that I know of that we do that would in any way conflict with the law.

Q. Any methods that are moral and fair, as you regard them, and intended to bring about good results are employed?—A. We have always done that.

Q. And the other side will, on the other hand, employ every method known to them and calculated to serve their purpose?—A. They have done it. I don't say they make a general practice of it. Of course my larger experience was in England in the labor movement. But here in this country, in the last two or three strikes I have been in, they have done it.

Q. Do you have any contract labor imported into your State?—A. Yes.

Q. Where?—A. Lafayette.

Q. Recently?—A. Year ago last May. I think either one year ago or two.

Q. What number was imported?—A. I think a dozen or fifteen men came in. They were supposed to have imported men, though they didn't try to send them in, because we sent men to Denver here and had them stationed at the depot to see the men who had been offered a job up there and to ask them not to go, and to use other moral influences to keep them from coming into the mines. And then we had men to go to the boarding houses and lodging houses in town here, and if they found any men who were going out to the mines they would talk to them and try to prevent them from going by reasoning with them. And then if we found the men who had

been shipped in there didn't have any money to go back, we would explain the condition to them and take money out of the union fund and send them back home to Denver or anywhere they belonged.

Q. Have you had men imported into any other point in the State that you can recollect?—A. Not in the coal mines. They were imported into Leadville during the Leadville strike. I don't know of any others, but they may have had some down in the southern part of the State.

Q. You have no law forbidding the importation of contract labor, have you?—A. Not that I know of.

Q. What is your judgment as to the enactment of such a law?—A. Well, I think there ought to be a law preventing any company or corporation from importing any foreign labor into a State to take the place of men out on a strike, demanding their rights. I think it is wrong.

Q. What do we understand by the term foreign labor in this particular?—A. Labor from an adjoining State.

Q. Or any other State of the Union?—A. Or any other State of the Union.

Q. What have you to say as to compulsory arbitration—compulsory arbitration by law?—A. If it would not interfere with the men's individual liberty, I would be in favor of a compulsory arbitration law. The fact of the matter is, even if it does interfere with our individual liberty a little, we ought to be willing to have a law passed compelling the employee and employer to submit their differences to a board of arbitration, and to compel them to abide by the decision. For instance, that was the case I stated a while ago. We all entered into an agreement that we would abide by the decision of the board, and after the decision of the board of arbitration was rendered in favor of the men the company refused to abide by it and closed down the mine and forced the men out. I think that when companies like that enter into an agreement to abide by a decision of the board of arbitration, if they are to be allowed to operate in that State there should be some means or some way devised to compel them to stand by their agreement, or have the articles of incorporation taken away from them and be deprived of the right of doing business in the State.

Q. Do you think that compulsory arbitration would be a remedy for that?—A. Compulsory arbitration would not be without there were other provisions. While you could compel them to go to arbitration, the question would then arise, Could you compel them to abide by it? If they would not abide by it the law should compel them to close down their enterprise. Then after a while they could resume their enterprise; they could organize their company with a new scale of wages, and do it on a different basis. In that case I think there should be very stringent laws passed, so that these men could not infringe upon the rights of the State, because virtually they do it.

Q. You believe it would be an improvement over the present system?—A. If properly carried out I believe it would be.

Q. What have you to say as to the injunction in strikes?—A. I will tell you what I think of the injunction. It is one of the most ridiculous things ever perpetrated upon the American people. I want to state a case where they served an injunction upon me. I was out prospecting. I was on the executive board at the time. I was a member of the union, and I went out prospecting for about 3 months. We were on strike, and I was coming home every night. The first thing I knew the sheriff served an injunction restraining us from doing certain things, when I was not doing anything. I was not even participating in the strike.

Q. Did you intend to do anything?—A. I was out prospecting, and when I came in the sheriff had got an injunction to hold us responsible for everything; and if there had been a fight at the saloon I would have been held responsible for that, I guess. They held four of us responsible. Now, if the courts are going to allow these injunctions to be seryed on the men who are not going to do anything, the courts should be pretty particular, and should make an investigation before they do it. We tried to dissolve that injunction. The Western Federation of Labor tried to bring the company before the court to get the injunction dissolved. It was just simply a waste of money; they could not do anything with it. All during that strike there was not the slightest violence. Everybody laid down their arms and just stood quietly. Now, if we had tried to get an injunction to prevent the corporation from putting a blacklist upon us they would not have given it to us.

Q. When was this injunction served upon you?—A. About the 15th or 17th of June. It was the last strike we had; in 1897, I guess.

Q. You positively state you had intended no violence?—A. No.

Q. And did not commit any?—A. No; and did not intend to.

Q. Can you so state for the other parties?—A. Yes; I can tell that they did not.

Q. They were working with you, were they?—A. No; one of them had a farm,

and he was working on the farm at that time. It was the four of us that had defended the miners in the State before the State board of arbitration; and I guess it was because of that that they wanted to enjoin us, because we were the members that went before the State board of arbitration.

Q. Have you anything further to say on the injunction?—No, I think not.

Q. Wages and methods of payment; what terms of payment do you believe are best adapted to the miners, weekly or semimonthly or monthly?—A. I think semimonthly payments would meet the requirements of the miners, as a general thing, pretty satisfactorily. I believe in the weekly payment also.

Q. Does it have an advantage over the monthly payment?—A. Considerable.

Q. Have you anything to say as to time work or piecework, overtime work and taskwork; you haven't much of that in the mines?—A. No; not as a general thing. I don't believe in the men working overtime without it is a case of emergency. Of course, where there is a case of emergency it is all right for a man to work a few hours later, or to prepare a place to work next day. In these cases, and where there is life at stake, or anything like that, then, of course, I believe in the men working overtime.

Q. Have you anything to say as to the living wage of a miner?—A. Well, now I will tell you when it comes down to the living wages, I have come to believe that we do a great injustice to the miners and everybody else; I believe that a man is entitled to all he produces.

Q. Do you care to explain that?—A. I think that a man who goes into a coal mine and produces 6 tons of coal, whatever that would bring by its market value, has a right to it.

Q. Even though it is worked in a mine that was opened up and equipped by some other man's money?—A. No.

Q. That is what I should like to have you explain.—A. A man is entitled to all he produces. The present system will not grant it to him; but if the State operated the coal mines and everything, then it would be a different proposition. It could be brought around by a small cost to the State, and then there would not be so many men deriving a surplus from the production of that coal and from the consumption of it.

Q. Are you in favor of the State ownership of mines?—A. Yes.

Q. If the State owned the mines, is it not a fact that even under that rule a man would not be entitled to the full value of the product that he produced? The wear and tear and the equipment would have to be maintained.—A. That is so; but the people then would be getting the benefit, and I would be willing to submit to a proposition of that kind where the majority of the people reaped the benefit, even though I had to lose so much of my proportion.

Q. How would the majority of the people receive the benefit—by cheapening the cost?—A. Yes; by the cheapening of the production of the coal. It would certainly be produced cheaper, and an exorbitant price would not be charged the consumer.

Q. Do you think the State could produce it cheaper than the companies?—A. I think so. I think an intelligent man with any kind of a fair disposition would seek to do that.

Q. What percentage of the labor of the miners is now passing through the screens in your district or your State in the way of slack or nut coal?—A. Thirty-three and a third per cent in the Louisville district and 40 per cent in the Lafayette district.

Q. Is that all?—A. Yes; that is all.

Q. That passes through the screen?—A. That is, through 1¼ inches. Now, lately, they have gone to work to make a different screen. They put in what you would call a shaker screen. I guess you have them in the East. That measures 3 inches. Of course it don't make any difference, because the coal is weighed before it is dumped.

Q. It has been stated before this commission that from 40 to 50 per cent of the products of certain companies operating in different parts of the State passes through the screens?—A. Well, there may be in the southern part of the State. I know when I was organizing in the southern part of the State, and went to the mines at Rockvale, the mesh of their screen was 3 inches, so consequently more slack would go through. Now we hold them down to 1¼-inch mesh, and we fix the per cent of slack at 33⅓ per cent in the Louisville district and in the Lafayette district at 40 per cent.

Q. Does the miner receive compensation for that which passes through the screen?—A. No; we don't get anything for it.

Q. If the coal miners of Colorado were working for the State, would they be willing to surrender this 40 per cent of their labor to the State, as they are doing to the companies?—A. I don't believe they would have to; I don't think that would be asked.

Q. But could the State produce cheaper than they are now producing?—A. I will

tell you how the State would produce cheaper. I had one of the operators tell me, when I was before them with a proposition, that they would not operate the mine for less than 20 or 25 per cent, and that they wanted about 50. I think that is an enormous profit, and in the mines in England they were satisfied with 7 per cent, and had three times the amount of money invested that is invested here. They would not begin to operate them here for less than 20 or 25 per cent. The State would not require that percentage.

Q. While we are on the subject of screens, I want to ask you to explain to the commission wherein the miners don't receive any compensation for that part of the product that passes through the screens, as it has been stated before the commission that such was paid for?—A. I fail to see where it has ever been paid for.

Q. Then I want to ask you in that connection what price per ton you receive for screened coal, 1¼-inch coal, in the district that you mentioned a while ago, the Louisville district? What is the price there for mining coal?—A. They get 80 cents per ton by the pick and 50 cents per ton by the machine.

Q. The pick price will serve our purpose. What is the price for run-of-mine coal in the same district; three-quarters of that, is it?—A. That is 33⅓ per cent; I think that is the way they base it.

Q. What is the price; can you state the figures?—A. On the pick basis I think it would be about 53⅓ cents.

Q. Fifty-three and one-third cents for mining the same vein of coal on the run-of-mine basis is considered to be equal to 80 cents upon the screen basis?—A. Yes.

Q. If that be right, explain in your own way and as fully as you care to wherein a miner does not receive pay for the fine coal.—A. In the first place the miner does not receive pay for the slack from the fact that in a general sense the companies make three grades of coal. It runs through an inch and a quarter bar, and they have what we call an unscreened coal; it makes a nut coal; and they have another screen, a back-over screen, that makes a pea coal; so that they have three grades of coal that they make, and I think they base the miners' tonnage on two grades of coal—on the slack coal and the lump coal. That being the case, they are still getting one-third when they make the three grades of coal. They are making one-third more coal out of the product of the miner than he is getting paid for. Consequently he don't get paid for that one-third that the people say he does. Many of the miners don't understand it unless it is explained to them thoroughly, but the intelligent miners do. Now take Rockvale for instance; they pay the miner down there 50 cents per ton. I make the tonnage reluctantly for fear I may be wrong. They run that coal through a 3-inch screen; they have a back-over screen; then they have to elevate the coal that goes through this screen, and it is then put through the inch and a quarter screen. This coal that goes through the inch and a quarter screen goes to the slack car and is shipped to Denver. Then they have a nut coal that they sell in Pueblo for $5.75 per ton, and the lump coal that goes through the 3-inch screen they sell for $5.50 per ton. The fine coal is shipped to Denver, here to compete against the slack coal of the Northern Coal Company, and is put into such places as the Equitable Building to run the elevators with, etc. They pay about 20 or 30 cents per ton for it. There are three grades of coal, and the tonnage of the man that produces it is based on two grades, so that consequently he don't get paid for the coal that they claim he does. Up in our district it is the same way.

Q. Now you have these prices fixed at 33⅓ and 80 cents, respectively. These prices are arrived at for the run-of-mine coal, according to the proportion of screenings passing through the screens from each ton of coal, are they not?—A. Yes. I want you to remember this, that in fixing the price of 80 cents per ton, we could not get it on the whole of the coal produced, and we had to make it up the best way we could.

Q. Are you satisfied that one-third of your coal passes through the screen in that district?—A. No; I don't believe in the Louisville district, as a general thing, that one-third goes through the screen.

Q. What passes through is in the nature of slack, pea, and nut coal. Are there any reasons that you can assign why the miners do not receive pay for this refuse coal?—A. No: I don't believe there are any reasons I can give now.

Q. For instance, if the coal company mining coal upon the screen basis in the district mentioned by you, the Louisville district, were paying 80 cents per ton for mining it, and they found that they no longer had a market for screened coal, and went to the miners and said, "we want coal mined on the run-of-mine basis," you would at once concede them the right to cut down to 53⅓ cents, would you?—A. Yes.

Q. There was a time when there were no screens in coal mines, was there not?—A. That was before my day.

Q. When the screen was planted at the mines, inch and a quarter between the bars, taking 33⅓ and 40 per cent of the men's labor from them, was the price at that time

increased in proportion?—A. No; I don't think it was, because it was just as I told you before. When I first came to the Louisville district we had an understanding with the companies that the screen should be a certain length and a certain width, and they sought to bring in a different screen, and yet when the screen was put in the price of tonnage did not go up any; in fact it came down. From 1888 to 1893 we had 92½ cents for digging coal with a pick, and we had a screen then 12 feet long, 4½ feet wide, and an inch and a quarter bar, and flat bar at that, while to-day we have a 14-foot screen, 5½ feet wide, and diamond bar, and we are getting 80 cents per ton. So that the condition from 1888 to the present time has grown worse with respect to the screens, by the ton and in every particular. The machine that has been introduced in this district makes a larger percentage of slack coal, consequently it is more advantage to the company to make this nut and pea coal. A man mining by the pick will not make so much of it by 20 per cent.

Q. Your position is that the miners do not receive pay for that which passes through the screens?—A. No.

Q. What does the operator do with that which passes through?—A. Sells it in the Denver market.

Q. What kind of a price does he receive for it?—A. I don't know exactly.

Q. How has the nut coal sold in proportion to the large coal?—A. I think they sell it at about $1.30 per ton. I will not be sure.

Q. At the mines?—A. Yes.

Q. What does the large coal sell for?—A. Two dollars.

Q. What does pea coal sell for, and slack?—A. I think they get 50 cents per ton for the slack; I think either 50 or 60 cents per ton; one of these two prices.

Q. Do they find a market for the slack?—A. I don't see any of it standing around the mines.

Q. You don't see any of it wasted?—A. No.

Q. Do you know of any reason why a miner should not be paid for his coal before it is screened, and why it should not be weighed and credited to him before screening, and why the operator after doing that could not screen it and put it on the market just as he does the other coal?—A. I know of no reason why he could not. I have had considerable trouble with the company over the matter, but I have always contended that the only way for them to do was to put screen scales in, and then they could turn out any kind of coal they wanted to meet the demands of the market.

Q. You believe that is the only way?—A. Yes. So far as the miner is concerned, I want to say as to the standard of living that it is a pretty slim standard.

Q. Is it better or worse than it was 10 years ago?—A. It is a good deal worse.

Q. Why?—A. That is a great question, and I don't know whether I could answer it satisfactorily or not; but I think I can answer it to my own satisfaction now. The introduction of machines is one of the causes in that district. The northern district is a peculiar district; its market is Denver and it has a local market in a way at Fort Collins, Greeley, Loveland, and those places. The machines that have been introduced have created in a very short time a large production of coal, and the men under the system of machine work don't make within one dollar or a dollar and a half what they could make by the pick, and as a matter of consequence, there not being a large market for the coal, a large production of it at the mines cuts down the average number of working days per year, and therefore does not give the miner the time to work that it otherwise would.

Q. You believe then that the standard of living among the miners is largely regulated by their incomes?—A. Yes; I certainly do.

Q. You are working the shorter workday, are you not?—A. Yes.

Q. Does that improve or diminish the standard of living?—A. In my judgment it improves the social condition, and it is a matter to be determined whether it would improve his economic condition in time. I believe it will improve his economic condition, and consequently improve his standard of living.

Q. What have you to say of store orders and payments in kind.—A. We have that in our district, but I don't approve of it.

Q. You have a company store in your district?—A. They have some kind of a company store, but they don't compel anybody to deal there; though as a general thing I guess they do deal there.

Q. Any influence brought to bear upon any of the men to deal in any particular store?—A. Not to my knowledge.

Q. How are the stores associated with the companies?—A. In that the companies own them, and have their agents in there to run them, and the companies pay for everything. We have not any in Louisville, but in Lafayette they have.

Q. Do the miners generally trade in the store owned by the company that employs them?—A. Well I don't know for sure whether they do or not, but this I do know,

that as far as Louisville is concerned any proposition of that kind has always been obnoxious to the men, and we have discussed it in the union meetings. It is a matter we have never had to deal with. When we were informed that the company was coming in there with a store, we talked about the matter and notified the company that if they came in there with a store we would refuse to deal at the store.

Q. Did you refuse?—A. We absolutely refused.

Q. How are the stores supported, by the general patronage?—A. Yes; by the general patronage.

Q. Where the miners deal in these stores, is the amount of their purchase taken from their wages?—A. As a general thing, yes.

Q. Do they run a book account?—A. Yes.

Q. You say the stores are not generally patronized by the miners?—A. No, I don't believe they are. So far as Louisville is concerned we have not any there, and they don't deal at Lafayette because we fight against it. The miners at Louisville don't deal at Lafayette.

Q. Have you any company houses there?—A. No.

Q. Are your wages higher or lower than 10 years ago?—A. So far as the men who produce coal by the ton are concerned, in the last 10 years they have suffered a reduction of 12½ cents in the tonnage, and as I stated some time ago, in my judgment the altering of the screens would make from 3 to 5 per cent reduction, and that would make to the men about 17½ cents reduction since 1888.

Q. Has the capacity of the miners to produce increased in that time by reason of a better vein, improved machinery, or anything of that kind?—A. At that time we had 92½ cents, and we had quite a bit better veins than we have now, so far as the thickness of coal is concerned, and natural opportunities for working it. The methods of mining it by hand are about the same; the methods of mining it by pick work are about the same to-day as they were then.

Q. Have you a greater or less number of miners employed in your district than at any other time?—A. We have a less number. The introduction of machinery has displaced, I expect, about one-third of the men that were employed in that district.

Q. Have you any miners thrown entirely out of work or employment?—A. Yes.

Q. Can not find employment?—A. Yes; quite a few have been thrown out of employment since the formation of this Northern Coal Company. They have manipulated things so that quite a lot of men have been thrown out of employment.

Q. What becomes of these men?—A. Oh, some go in the hills, some on the farm, some go East, and some go West.

Q. They have no children employed in the mines, have they?—A. What we call trapper boys.

Q. No boys mining coal?—A. Yes, we have some boys in with their fathers.

Q. At what age?—A. I guess they run all the way from 13 to 16 years of age. There are small ones there, I know that.

Q. What is the effect of the employment of boys of that age?—A. It generally causes dissatisfaction; generally bad results.

Q. Can you state as to the causes of irregular employment?—A. No, I could not. Of course the coal company has the regulation of that, and it is a very hard matter for the men to get on the inside track of it.

Q. What is the average of the days worked last year in the territory that you are familiar with?—A. I could not tell you just exactly what last year's was; I can tell you the year before; the year before at the mine where I was working it was 11¼ days per month.

Q. For the whole year?—A. Yes.

Q. Was it more or less than that during the past year, according to your judgment?—A. Last year was an exceptional year; it was a hard one. I don't believe it was any more than that. This mine I am working on did better than any other mine in the district.

Q. What was the number of hours worked per day?—A. Nine and one-half in Louisville. We worked 10 hours, but of course we had a half hour for dinner.

Q. You were working 10 hours at that time. Has this 8-hour law had any effect?—A. Yes, we are working under the 8-hour law now.

Q. Since the 8-hour law went into effect you have worked 8 hours?—A. Yes.

Q. How do you find it, satisfactory?—A. I have no kick coming. It is all right.

Q. What is the production of your mine to-day compared with what it was before the law went into effect; are you able to hoist as much coal?—A. There is but very little difference.

Q. Do you think the men work harder during the time they are in the mine?—A. No, I don't think they do. They seem to be satisfied to go on with the regular pace and work the same as they were working under the 10 hour system.

Q. If they don't work harder there must necessarily be a falling off in the output of the mine, unless the number of men is increased?—A. There is but little difference; I will explain that. Under the 10 hour system, from about half past 3 o'clock to 5 o'clock the work begins to slack up. I took weight there for a year at one of the mines, and while I would hoist 250 tons in the forenoon, about half past 2 or 3 o'clock it would probably begin to slack up. Beginning about half past 12, up to 3 o'clock we would probably be able to hoist 150 tons more, making 400 tons. The next 2 hours we would probably be able to hoist 50 tons. The men would get tired and quit loading at 4 o'clock. Some of the men would get out of coal and they would come out and go home, and leave it for the machine men to do that night, and work at it next day. As a general thing they quit about half past 3 under the 8-hour law, and as they run pretty fast up to that time it makes but very little difference as to the output of coal.

Q. Have you any laws regulating screens or anticompany-store laws in this State, that you know of?—A. Not that I know of.

Q. What is your judgment as to the necessity for such laws—antiscreen laws or anticompany-store laws?—A. I think there should be an antiscreen law. Two years ago from this last legislature we had a bill submitted from the legislative committee of the union to a lawyer to see if it was constitutional, and gave it to one of our representatives, and he was successful in getting it through the house on the third reading and through the senate on two readings; and the corporations gave $500 to steal the bill, and the bill was stolen. Now, the man that had the bill told me that himself. He told me he wanted to get the bill before the session of the senate one day and he could not find it any place.

Q. You have not had any legislation as to the company store, have you?—A. We had a bill passed in the last legislature, preventing company stores.

Q. Is that law operative?—A. They do abolish truck stores, etc. I understand it is on the statute books and signed by the governor.

Q. Is it operative?—A. I don't believe it is. There is always a way to get around such things somehow or another, and that makes it inoperative. I was informed by a man who came up from the southern part of the State—if I could rely upon what he told me—that it was inoperative. The fact of the matter was, when I was at the convention of the State Federation of Labor here in Denver for 7 or 8 days, he told me that the business men of Trinidad sent him up here as a committee to see what the State Federation of Labor would do, if anything, to enforce the law regarding the trucking system.

Q. What have you to say for such laws?—A. I have no faith in the laws.

Q. What have you to say as to the best and surest way of securing results, as to these questions, by law or by the action of the trades unions, and education of the people?—A. I have always contended, and do up to this time, that the only way for the laboring people to get anything, until our politicians are regenerated, will be to get it through organized labor, and if we can not get it through organized labor then I don't know where we will get it, and I guess the case is hopeless. But I believe that we can. I believe that if the supreme court declares this law unconstitutional, the laboring men will have this law here anyway, and that we will get to work 8 hours anyway; and after a little while wages will regulate themselves according to supply and demand.

Q. Cooperation, etc., topic 5 have you had that here?—A. Yes, we have had it.

Q. With what results?—A. Pretty fair results.

Q. Is it in effect?—A. In the formation of this Northern Coal Company they were all bought up.

Q. What was the success of the copartnership, and the profit sharing?—A. The men were satisfied and made fair wages under it.

Q. Are these methods practical?—A. I think so.

Q. Give satisfaction to those engaged in them?—A. I think so.

Q. To what extent was it practiced?—A. To the extent of producing all the way from 200 to 250 tons per day.

Q. Single mine, was it?—A. Yes.

Q. Owned by the miners?—A. They didn't own the coal property; that is, they didn't own the land; they leased it and paid so much royalty to the landowner.

Q. Was it finally abandoned, or was it taken from them?—A. This Northern Coal Company bought up the whole business; bought the land and lease; bought these people all out. There in the Erie district we still have one of those mines operating under this system. They would not sell, but they sell their tonnage; that is, all the coal they produce, and these people are going to take it, and on the profit-sharing plan, or cooperative system, they will get their dividends, of course.

Q. Can you suggest any other plans along these lines for improving the condition

of the workmen?—A. Well, apart from the profit-sharing business or system if it could be brought around, and I believe it could, I believe the system of cooperation would be a good thing for the miner.

Q. Has your company any insurance among its men?—A. I didn't see any; not so far as I know.

Q. Any service pensions, or old-age pensions?—A. Not that I know of.

Q. Immigration—what have you to say on that subject?—A. There are two phases of that question that I have always considered. I have always held, according to the God-given right of humanity, we have no right as human beings to say what part of this earth this man shall be planted on; but I believe it is right where immigration, and especially ignorant immigrants are shipped in, that we should take a stand on these things, and that it should be restricted, at least. Now, that is about the way I think of the immigration question.

Q. To what extent should it be restricted?—A. In that a man can understand some of the English language and have a certain degree of intelligence, so that he can understand business transactions as they are submitted to him. It is a hard matter, you know, to bring an ignorant man into any community from other nations, who does not understand anything about the problems of life, does not understand much about civilization, and of whom you could not make an American citizen. I have always held that, as to myself, as an individual, I have no right to say that a man shall be planted in Australia or New Zealand if his desire is to go to Germany.

Q. In restricting the immigrants from coming here, you would not necessarily be saying that, would you?—A. Why, it would; of course it would.

Q. So far as we are concerned it would be leaving the whole world open to him excepting the United States, would it not?—A. It would be, but we would be specifying that he should not come to a certain place. I don't believe that one man or community of men or any nation has a right to say that it will rule this earth.

Q. Do you believe the Chinese exclusion law is an injustice to that race of people?—A. I believe it is an injustice to the God-given rights of humanity; yet I believe the nation ought to educate its subjects so that they can be able to understand in whatever land they may go to; they should understand the English language thoroughly.

Q. We are dealing with the actual condition and not the theory, and we want your opinions as well defined as you will give them to us. Do you believe that the moral standard of the immigrant should be taken into account?—A. Yes.

Q. And a knowledge of the English language should also be fixed as one of the qualifications?—A. Yes.

Q. Do you believe that heavy immigration from European countries into the United States has seriously affected the wages of the workingmen?—A. I believe it has to a large extent. It did in early days. I don't believe it does it so much to-day as in early days.

Q. Have you anything further to say on the subject of immigration?—A. No; I don't believe I have. So far as the colored labor is concerned, I have had very little experience with that. So far as the non-English speaking labor in concerned, we have quite a lot of that in our district; we have Hungarians, Frenchmen, Italians, Germans, Austrians, all kinds; and as a general rule they are very fair men; pretty good men, some of them.

Q. How long have they been there?—A. Some of them have been there all the way from three, six, seven, and eight years.

Q. Are they better men from your standpoint than when they first came?—A. A great deal better.

Q. Well, suppose that a number equally as large as the number now there came to-morrow into your district or some other mining district and knew as little about our conditions here as these men knew when they came, would the same result not be reached?—A. Yes; I think it would. But then they have to be educated when they come.

Q. How long does it take usually to educate them?—A. It takes a long time, unless you get a fellow Italian or Austrian to teach him.

Q. In the meanwhile, what is the effect upon men's wages?—A. You see the proposition is this: If you can not get hold of these people and educate them, the probabilities are that the tendency will be to decrease wages. If you can get hold of them and educate them, and get some of their countrymen to take hold and help educate them, you will be able to maintain the wages. Of course their standard of living and wages is not like ours, and consequently they will work for less while the education is going on. But you must educate them. If they were educated at the time they came over it would be a saving of money and time, for you could talk to these men so that they could understand.

Q. If they were educated, do you believe they would come in such numbers and

under such conditions?—A. That is a proposition that it would be hard to answer, but I don't believe they would. I believe that the more intelligent of the men would stay at home, the conditions being the same to those people in the other countries as they are here, and the firm that sent for the men would not get as many with the education as they do now.

Q. At all events, you know of no reason why a like number coming in under those conditions to-day would not produce the same results as formerly?—A. They are liable to do it. This should be taken into consideration: These people who came in during the early days have become Americanized; they can understand some of the English language and understand our customs, and if these people who are here serve as teachers for those that now come it will not reduce the wages so much. We have had several of them in that way in our district.

Q. They act as educators to those who come?—A. Yes.

Q. How is the public-school system?—A. Very fair.

Q. Large enough to accommodate the wants of the children?—A. Yes; and if it is not, we make it larger every year.

Q. Add to it every year, do you?—A. Well, we do about every 2 years. The population is increasing very rapidly in the country.

Q. Have you any trade schools?—A. No.

Q. Technical education, libraries, reading rooms?—A. No.

Q. Do you believe the public-school instruction is adapted to the needs of the working people?—A. Yes.

Q. Have you any convict labor in the mines in your State?—A. We have not any in our district.

Q. Have you any suggestions to offer for the noncompetitive employment of convicts?—A. Yes; I think they should be put on the roads to made good turnpike roads in the State.

Q. Can you state to the commission the average wages for last year, or the year before, in your district?—A. I can not tell you the average wages of the district, but I can tell you the average wages of one particular mine. I was check-weighing that year.

Q. Was it an average mine?—A. It was above the average. The average wages of the men for that year were $2.30 per day, and, as I told you before, the men averaged eleven and three-fourths days per month the year round. We worked better. That was the best mine in the district, and the men did better at that mine than any other in the district. The average, as I say, was $2.30 per day the year round, and from that was deducted their powder, oil, etc.

Q. Their expenses?—A. Yes; so that it would run them about $28 or $29 per month; and I figured that it would cost a man at least $5 per month for expenses.

Q. Out of that amount of money?—A. Yes.

Q. What is that $5 divided into?—A. A man uses a keg of powder per month, $2.50; then he would use a ton of coal per month, $2; that was $4.50; and then he was taxed $1 for a doctor, and that makes $5.50; then he got his oil, which cost him at least 60 cents per month; then he had a check-weighman who was paid by the ton, and that cost from 50 to 60 cents per month. So that I allow, in making out my report, that the expenses of the miners would be $5 in making the average. I made the average the year around about $24 a month, and I don't really believe he would make that much, because you see I figured over $6.50 for expenses, and the average was eleven and three-fourths days at $2.30 the year round; and I took that amount from the amount per month. I figured it out for fourteen months for my own benefit. I knew that in order to produce the right amount I would have to take the average on the record that I was checking per day, and I would have the general average to meet that with.

Q. Are there any other itemized expenses?—A. Fifty cents a month for blacksmithing.

Q. Regardless of whether a man works full time or not?—A. It don't make any difference; if it is only 2 days, they charge you 50 cents. When you work 20 or 22 days, they charge you $1.25; and you must pay 50 cents at least.

Q. How many men work in that mine?—A. Fifty-eight men worked at that mine at that time. One of the other mines had more men.

Q. How many blacksmiths are required to sharpen the tools? Are they entirely engaged in work for the miners?—A. Would not engage him all of his time. You see, working by machine a man does not use many picks, and on the machine work the blacksmith has to sharpen the machine only; and the machine is owned by the company and is kept up at the expense of the men.

Q. About the powder; you say the price was $2.50 per month; does the company sell this powder to you at cost?—A. No; they charge $2.50.

Q. What do they pay?—A. About $1.25 or $1.30, something like that.

Q. To a large corporation, then, that has a number of mines and several hundred men employed, the profits on the powder is quite a nice part of the income, is it not?—A. The profit on the powder and oil, and what they get for the slack that runs through the screen, would pretty near pay all the operating expenses. I think it would pay all the expenses.

Q. Are the miners permitted to buy their powder where they choose?—A. You must buy the powder of the company, but in other places a man can go and buy the powder where he likes.

Q. Do you know of any instances where men insisted on the right to buy it where they pleased.?—A. Yes.

Q. Were they punished for doing it?—A. No.

Q. Would they be punished if they insisted upon it, where the company insisted on selling it to them?—A. I don't think they would, because they know the organizations are behind these men. At one time we got them the powder ourselves, and handled it ourselves. The union did so, and sold it to the men.

Q. Is that system in vogue yet?—A. No; not now.

Q. How much were you able to save the miners on each keg of powder?—A. When that question came up, I was trying to think in my own mind how much they made out of it.

Q. You have not served in the capacity of a laborer among the miners in your district for some years, have you?—A. Yes.

Q. Have you ever known of any instances in which any of the leaders of the miners were paid by the company to control the miners?—A. No.

Q. To inaugurate strikes?—A. No.

Q. You know of no case in which the leaders of miners were paid by the company to control the miners?—A. No.

Q. You know of no case in which a company wanted to close its mine down that it did not do so without giving the public any excuse?—A. Yes. I don't know whether they did it in our case. I know cases where they have done it.

Q. Have you ever known the reverse, where they looked for an excuse to strike and close the mine down?—A. Yes.

Q. Then it must be true in your case, to your knowledge.—A. Well, you see, while I have pretty good knowledge of the whole situation, I don't want to state to this commission here anything regarding the eastern question at all. While I know it may be a fact from information I have heard, I would not want to give it as a fact of my own knowledge.

Q. You are only expected to tell the facts of your own knowledge when the question is as to the facts; when your opinion is asked, your opinion only is expected. Give your opinion, so far as you can.—A. If it was my individual opinion, I should say yes. I know of instances where they have closed down without any excuse.

Q. Is it not a fact that when the condition of trade is slack, or any reason is present, the coal companies close their mines down without any strikes or excuses?—A. Yes; I know of lots of instances, and they will never give you any notice, either.

Q. Do you know of anything else that you would like to suggest?—A. I think the employee ought to have protection by law where he receives an injury and can prove that the company has been negligent; where they have not furnished sufficient equipment for his protection. I know of cases in our district where men have been injured or killed; we have two instances in our district where they will never be able to work a hard day's work in their life again, and the company was solely and entirely responsible for their accident; yet the company never gave them a cent. I think there should be an employers' liability law so that a man can get justice. I know of another case, where a man got killed in the mine, and his people threatened to sue the company, and employed a lawyer to look up the case; but he advised them not to go into court; that the law was not exact enough to get anything. They simply let the matter drop, and I believe the company paid the expense of the burial, coffin, etc. That is a matter that I think should be taken up and recognised. It always seems strange to me that when labor organizations do take things of this kind up, some way or another the corporations get the upper hand of the legislature and always knock the bill out; and where we are going to get any legislation I don't know.

Q. (By Representative BELL.) Don't you understand that the claims of the laboring man are for a law that will make the company responsible for the fault of the servant or coemployee?—A. Yes.

Q. That is, they ask it because they trace the negligence to one of your coemployees and put the responsibility on him and not on the company?—A. The company crawls out of it by saying that the employee of the company is responsible; that the man goes in the place, and if there is not sufficient timber, etc., to secure the place, he should not work there, but he should come out.

Q. That is contributory negligence?—A. Yes; that he contributes to it.

Q. That does not apply except where you go in voluntarily?—A. No.

Q. If you go in voluntarily as a lessee or work upon your own account, then the courts say you contribute to the injury?—A. Yes.

Q. And is not the real complaint of the laboring men that they are held for the negligence of coemployees that they did not have any part in selecting?—A. I think so.

Q. The general idea suggested to the laboring men is that if the company employs the coworker it should be responsible for the acts of its own agent?—A. Yes.

Q. That is the pith of the question you are contending for?—A. Yes, I think it is.

Q. You have no such law in this State?—A. Not that I know of.

Q. Is there anything else that you wish to speak about?—A. There is the mining-inspection law; that should be revised very much. It is not in shape for the officers to enforce any of the laws they have; and the law as it stands is not worth much anyway. There is no penalty for violating any of the provisions of the law that I know of, with the exception of one. I think the mining-inspection law should be revised greatly in this State, so as to give a sanitary condition to the mines, which is necessary to secure the health of the miner. It will sometimes happen that a man will be out of coal and must blast this coal down during the time of his work. Now, if he puts in a shot to blast down the coal, the powder smoke that he has to work in is so obnoxious to him that he can not work, and he has to go home and lose that day. The mining-inspection laws of this State should be revised considerably.

Since the eight-hour law has been declared unconstitutional, I don't see how we will get a law passed and make it constitutional without revising our present constitution. If that be the case, and we have to revise the constitution of this State to make the eight-hour law effective, there are strong probabilities, in my judgment, that they will have a harder time on their hands to get the convention so that the constitution can be revised than they had to get the eight-hour law passed in the last general assembly. So that if that is true, the working people need not expect any eight-hour law. If that is true, there is but very little hope for the eight-hour law. I repeat what I said before, that the only way is for the laboring people of this State to say to the corporations, Here, we are going to have this law anyway, and we are not going to work for more than eight hours; and agree to have the wages what they were in proportion to the reduction in hours. They will be regulated later by the supply and demand; but what is in my mind now is that it would be better to have the eight-hour law.

DENVER, COLO., *July 18, 1899.*

TESTIMONY OF MR. JAMES G. JOHNSTON,

Oil Producer, Florence, Colo.

The subcommission on mining met at 10 a. m., Hon. J. C. Bell, presiding. Mr. J. G. Johnston, of Florence, Colo., being duly sworn, testified as follows:

Q. (By Representative BELL.) Give your name?—A. James G. Johnston, Florence, Colo.

Q. How long have you resided there?—A. Ten years.

Q. What has been your business during your residence there?—A. I have been engaged in the oil business as an employee and producer.

Q. With what companies have you been employed?—A. By the Rocky Mountain Oil Company for a number of years, and for the last three years I have been in the employ of myself and others interested together in the producing of oil. I came to Florence a few years after the first discovery of oil. I think the first discovery of oil in paying quantities was about 1885, somewhere along there, and I went there in 1889.

Q. How is the oil business, prosperous?—A. Fairly so, yes.

Q. When you came to Florence were the producers of oil combined for the purpose of marketing their product or were they acting as individuals?—A. There were several different companies acting, you might say, as individual companies, each managing its own product and disposing of it.

Q. How long did it continue in that way?—A. Well, I think to about three years ago, or two and a half years ago.

Q. Then what took place?—A. The Rocky Mountain Oil Company and the United Oil Company were consolidated into the Western Oil Company for manufacturing purposes. The Florence Oil Refining Company still continued as it had before.

Q. Has the Standard Oil Company ever had any interest in the Florence region?—A. I think not in the production; it handles the output.

Q. How does it come that the Standard Oil Company handles the product?—A. I could not say as to that.

Q. Was there any cut in the price of oil by any company at any time after the discovery of oil there?—A. Yes, I think the Rocky Mountain Oil Company, when they were operating at Overton, sold oil as low as 5 cents per gallon.

Q. What was the Rocky Mountain Oil Company; was it a branch of the Standard Oil Company?—A. No.

Q. Any connection with it?—A. I think not.

Q. Why did it sell oil at 5 cents?—A. Well, it started in competition with the Standard Oil Company in the disposition of the product; to compete with the Standard.

Q. Then the Standard had first cut the price?—A. I could not say as to that; I presume so. I presume when the Rocky Mountain put their product on the market the price was cut. I could not say as to who cut it.

Q. The Rocky Mountain Company was a local company, was it not?—A. Yes.

Q. Do you remember the price of oil at the time of that cut?—A. I remember that we were paying in Florence 20 cents per gallon before the cut.

Q. Do you know what it was worth in Leadville?—A. I don't know. I presume 25 cents a gallon or such a matter. It is always a little higher in the mountain towns.

Q. Then there was a cut, and they did cut down to 5 cents a gallon?—A. Yes.

Q. Were there not a great many local producers competing among themselves?—A. I can say that the competition between local producers and outsiders caused the reduction in prices. It was not between the local producers.

Q. What was the result of the reduction in the price of oil to 5 cents a gallon? Did it remain so, and, if not, what caused the rise in price?—A. As I remember now, the price was held at 5 cents per gallon for a number of months, and then, I think, there were some arrangements made between the Standard Oil Company and the manufacturers whereby oil was placed back to the old figures.

Q. Under the new arrangement who controlled the price of the oil?—A. The western branch of the Standard Oil Company, or Continental, as I believe it is called.

Q. The Continental is understood as the western branch of the Standard Oil Company?—A. Yes.

Q. Under what arrangements did the local dealers or producers sell their product after the rise?—A. I believe the Continental Oil Company takes the manufacturers' product to market. I don't think the local companies have anything to do at present with the marketing of their product.

Q. They market all their product through the Continental Oil Company?—A. That is my understanding of it.

Q. How much oil can they sell per month?—A. They can sell the whole product.

Q. They will take the whole product?—A. Yes.

Q. Has there ever been any limitation on the amount they might produce?—A. I think not.

Q. You have been permitted to pump all that was possible, and the Standard Oil Company, the western branch of it, takes the product?—A. Of course the flow is limited; the product is limited.

Q. But your understanding is that no one owning an oil well has a right to sell to anybody except this company?—A. Well, I presume contracts are made by the manufacturer with the Continental to not sell to anyone except it.

Q. That is the understanding, is it?—A. Yes.

Q. That the local producers agree to sell to no one except to the Continental Oil Company?—A. I presume that is the understanding. I don't know anything about it officially.

Q. Then there is no competition in this State between the Standard Oil Company and the producers at Florence?—A. No.

Q. And, as you understand, the arrangement was made to avoid the enforced reduction of prices?—A. That would be my understanding of it; yes.

Q. Turn to the topical plan of inquiry at the bottom of page 7, topic 51—what have you to say about the benefits of concentration and consolidations of business wielding power similar to that of the Standard Oil Company?—A. Do you mean locally?

Q. Generally; as to the benefits to the public.—A. It has been a benefit.

Q. In what way?—A. In developing the petroleum industry; in giving to the public a much better and cheaper grade of illuminating oil.

Q. How did it affect the profits of those interested in the industry?—A. To the independent manufacturer I presume that, as in all other cases, it worked a hardship and damage, but outside of that it has been a benefit.

Q. That is, it was a benefit to those who joined the trust?—A. To the producer.

Q. That was in the trust?—A. No; to the producer of the crude oil. The producer, generally speaking, does not manufacture his oil.

Q. The producer simply produces the crude product and sells it to the manufacturer?—A. Yes.

Q. What effect did it have on the employees?—A. No effect whatever.

Q. Their wages remained about the same?—A. There has been for years and years a standard of wages in the production of petroleum that has varied but very little.

Q. What effect would it have on smaller enterprises, such, for instance, as was a refinery established between Florence and Pueblo? There was such a refinery, was there not?—A. It had the effect of driving them out. That was the Overton refinery.

Q. What was the name of that town?—A. Overton, 6 miles outside of Pueblo.

Q. At Overton the Rocky Mountain Oil Company had a refinery?—A. Yes.

Q. Did it ever run after the rise in price, by arrangement with the Continental Oil Company?—A. I think only to work off the product on hand.

Q. Were there a number of houses built there?—A. Yes.

Q. A number of men owned their homes there?—A. Not a great number; a few.

Q. Any business houses established there?—A. Two or three groceries, I think, and such little business houses as that.

Q. What effect did the arrangement with the Continental Oil Company have on Overton's population; did it depopulate the place?—A. Depopulated it entirely. There is no one living there now.

Q. Did they dismantle the refinery or remove it?—A. A large portion of it was removed. Some of the machinery is there now, I think.

Q. What effect did it have on the owners of property at Overton?—A. It reduced the value almost to nothing.

Q. Practically squeezed the value out of it, didn't it?—A. Yes.

Q. Do you think, as a general proposition, that the power lodged in one great combination to destroy communities, squeeze the value out of property, destroy homes, as it did there, is in keeping with a good public policy, or otherwise?—A. No; I presume a great combination that works this hardship locally will work it generally, and it is not a good thing as to public policy.

Q. Have you studied the question sufficiently to make any suggestions as to the advisability of a regulation for trusts, limiting their power to destroy?—A. No, I have not.

Q. What is the general object sought in combination?—A. Speaking from my knowledge of the general objects of combination, it is to control the price and output.

Q. What became of the pipe line that was built by the Rocky Mountain Oil Company from Florence to Overton?—A. I think a portion of it is still in the ground.

Q. Has it been operated since?—A. No.

Q. Who paid for the pipe line and plant at Overton, after it became useless?—A. It was still held by the Rocky Mountain Oil Company.

Q. The Continental Oil Company did not remunerate them for their plant?—A. I presume not.

Q. They never used it, at least?—A. No; they never used it.

Q. Do you know anything about the transportation privileges of the Continental Oil Company?—A. I do not.

Q. You don't know whether they have a system of drawbacks?—A. No; I don't.

Q. They have no competition out here anyway, as I understand?—A. No.

Q. Do you know anything of the oil fields of Wyoming?—A. Nothing more than I went up there two years ago into Wyoming to examine some oil lands for Pennsylvania parties. I traveled about 300 miles over Wyoming with a buckboard. I was at the Salt Creek Works, which were practically the only petroleum works in Wyoming that were producing. I understood while I was there that there were some wells bored at Lander, Wyo., but the product was never used. This South Fork oil is produced about 65 miles from Casper, and is a fine lubricating oil; as a matter of fact, I think it took the premium at the World's Fair as a lubricating oil.

Q. Do you know who controls that product?—A. A local company, I think, of Pennsylvania people.

Q. Do you know whether they went in the combine?—A. They make no illuminating oil, but while I was there they sold their product to the Denver and Gulf road for lubricating oil. I think they had their works at Casper.

Q. Do you know anything of the general history of the Standard Oil Company?—A. No, not of the general history, and still I have been acquainted with its work all my life practically.

Q. Do you know whether, as a general thing, it has pursued the same system that it did with your oil fields throughout the United States?—A. I think since it became

a factor in the production and manufacture of petroleum oil, that the system has not changed a particle, and that it had the same system years ago that it has now.

Q. Has it been its habit to cut the prices wherever it finds competition until it can make a satisfactory arrangement to handle the product?—A. That has been my understanding of the concern.

Q. And when it controls all the product, are the independent works generally dismantled, the same as the works at Overton?—A. Yes.

Q. And the value would necessarily be squeezed out of property in the same manner as it has been in your district, at Overton?—A. Yes.

Q. Now, do you know anything else that I have not inquired into that you could state to the commission, giving it an insight into the entire process of this great combination; anything that tends to the detriment of the public?—A. No, I don't know of anything that I could say.

Q. (By Mr. RATCHFORD.) You stated, I believe, that the oil field in which you are interested was discovered in 1885 or 1886.—A. I think it first began to produce oil in some quantity at that time.

Q. What part of the time that has intervened were those engaged in the production of oil there free to manage their own business and sell their product to whom they pleased?—A. I think they manufactured their own product and sold it until 3 or 4 years ago. I am not certain; it may be longer and it might not be quite that long.

Q. And since that time they have made contracts with other companies to sell them their product?—A. Yes.

Q. How were the profits in the oil business up to that time—up to the time of these contracts—as compared with the present?—A. I think about the same.

Q. Then those engaged in the business would make equally as much money, would they?—A. All things considered, yes.

Q. How were the prices to the consumer?—A. About the same, except during the time of the cut in the prices.

Q. Prior to the cut the price of refined oil was 20 and 25 cents in the mountain towns, and the cut reduced it to 5 cents?—A. Yes.

Q. What was the object of such an enormous cut? Did it come about through natural causes?—A. No; it was just like other businesses in competition, where there is a cut in prices to control the market.

Q. Was it due to an increased production of the article?—A. Not at all.

Q. Were those engaged in the business able to make profits at 5 cents per gallon?—A. No.

Q. Losing money?—A. Yes.

Q. Was the object of the cut rather intended to advance prices? Were prices reduced from 20 cents to 5 cents per gallon for the purpose of advancing prices and cementing all interests together and squeezing everybody out and controlling the product in that way?—A. I would rather think not.

Q. What was the purpose of that reduction?—A. I would think the purpose was to compromise in some way, whereby each company could market its product at a fair profit.

Q. Were they not marketing their product at a fair profit when they received 20 cents?—A. Yes.

Q. That being the case, there was no necessity to cut prices in order to obtain a fair profit, was there?—A. No; except that a compromise could be reached in some way.

Q. I would like you to make clear the purpose of the compromise. If prices were fair at the time and those engaged in the business were making a reasonable profit, what was the object of it?—A. Take, for instance, where one company is selling a product in the valley at 20 cents per gallon and another company comes in the valley and sells at 20 cents. The new company sells half as much as the old company was selling, and the old company's profits are reduced one-half because of the loss in the amount sold. In order to stop the new company from selling, the old company reduces its price and the new company has to reduce its price. The object might be a compromise between the two whereby a price could be fixed at a reasonable profit, and each sell its own product. It might be less than 20 cents and it might be more than 20 cents if the companies compromise on an equal basis.

Q. You say the cut in the price is due to the fact that one company entered the market which another company believed belonged to it?—A. Yes.

Q. Where did this cut begin?—A. I can not tell you now.

Q. You can not tell which company?—A. I don't remember.

Q. Is it not a fact that the cut in prices to which you refer was due entirely to the efforts of the larger and stronger corporation to destroy the smaller and weaker ones?—A. I would think so; yes.

Q. And in that way control the business exclusively?—A. Yes.

Q. With the end in view of advancing the prices when competition was driven out?—A. Yes.

Q. I understood you to say that the gentlemen engaged in the production of oil in your field found it convenient to make contracts with larger firms to sell their product to them exclusively?—A. Yes.

Q. Why did they find it so? Did they get a better price out of it than they would if they put it in the market and let the larger companies bid for it, or sold it in the open market?—A. Well, of course there is an advantage to them to contract, I suppose, say for a year at a certain price, because the local company producing its oil then knows what it has to figure on for the year. If they were not doing it in that way there would be a fluctuation from time to time in the price.

Q. Do the local companies believe it is worth something to them to have markets at all times in which they know they can dispose of their oil without the necessity of salesmen, etc.?—A. Yes.

Q. In case the local companies refuse to make these contracts with the larger firm, the Continental Oil Company as the Western branch of the Standard Oil Company, to sell them all of their product, what would, in your judgment, be the result?—A. I presume, then, the local companies would have to market their own product in competition with the oil that would be sent in from the East by the Standard Oil Company.

Q. Is the competition by the local companies with the Standard Oil Company to be feared by the local companies?—A. Yes.

Q. If such were to take place, is it your opinion that a cutting of prices would follow?—A. I think so; yes.

Q. Is it not a fact that the local producers, by reason of their inability to fight this large concern, and fearing the power of the larger concern, grant them a compromise as a result?—A. I presume that is the case.

Q. You spoke of an advantage to the consumer by reason of this larger concern coming in; is that correct?—A. Yes.

Q. I want to ask you now if, in your judgment, prices to the consumer would not be quite as good and the quality of the oil equally as good if every man and every company in the business had an open market in which to sell the product, and without any monopolization of the industry?—A. Well, as a matter of fact, the Standard Oil Company has made the petroleum industry what it is. As a matter of fact, if there had been no Standard Oil Company it might have been just as good.

Q. Is it not a fact that the petroleum industry has made the Standard Oil Company what it is?—A. Well, you could take it in that way; yes.

Q. If such an open market was present to-day for every man and every company engaged in the production of oil, how would it affect profits?—A. They would obtain a lower price. If there was an open market, open to any independent concern, there would be general competition, and it would depend upon the price the competition would make.

Q. Do you believe or not that in the management of a fair, legitimate business, which ought to result from such open competition, that prices would ever go so low as to make the business of producing and refining oil unprofitable?—A. No.

Q. There would always be a reasonable profit to the producer and to the refiner?—A. Yes; it would be like any other business, of course.

Q. And the consumer would not suffer as compared with to-day?—A. No.

Q. And like other branches of business, I presume, if too many men engage in it, it would be because there are such large profits in it, and when these large profits ceased the capital invested in oil would find other investment open to it?—A. Yes.

Q. In other words, the affairs of that branch of industry would regulate themselves?—A. Yes.

Q. If the Continental Oil Company is ready to pay the prices for your products that they would command in the open market, what advantage is it to that company to pin you down with a contract which says that you shall not sell to others?—A. Well, I could not answer that.

Q. Is it or not a fact that the prices received from the Continental Oil Company for your product are lower prices than your product would bring in the open market?—A. Yes. Of course I presume the contract was on the wholesale basis, while in the open market each company marketing its own product would sell on the retail basis.

Q. To that extent the contract is an advantage to the Continental Company?—A. I could not say as to that. I don't know what the cost of marketing the oil would be to the local company. It might be an advantage to the local company to have this contract in regard to price because the cost of marketing might more than overbalance the difference in price.

Q. Is this arrangement with the Continental Oil Company giving satisfaction to the producers?—A. I think so.

Q. Have you any knowledge as to the cost of transportation that enters into the shipping of oil?—A. I have not.

Q. The producers have nothing to do with that in this case?—A. No.

Q. Have you known of any discriminations in freights at a time prior to the arrangement with the Continental Oil Company, when you were doing your own producing and shipping?—A. Only hearsay. If you want that I will give it to you.

Q. Give it to us for what it is worth.—A. Major Coon, the general manager of the Rocky Mountain Oil Company at that time, told me that it cost them, I think, $1.87 to ship their oil from Overton to the coast, while it cost the Standard Oil Company 87½ cents to ship their oil from Whiting, Ind., to the coast.

Q. Was that statement made to you by a truthful and responsible man?—A. Yes.

Q. You believe it to be true?—A. Yes; I don't think Major Coon would have told me of it if it were not true.

Q. Did your informant state whether this was the actual rate paid or whether the Standard Oil Company paid the rate with their products and received the balance in freight rates?—A. He did not say that. We were talking about the cost of transporting the oil from one place to another.

Q. When you speak of Overton, you mean Overton, Colo., do you?—A. Yes, near Pueblo.

Q. And the other place was Whiting, Ind.?—A. Yes, near Chicago; one of the greatest refineries.

Q. Have you had any experience in the dismantling of plants of the larger concerns, the Continental or the Standard Company; do you know such to be done?—A. I have had no experience in Colorado. I have had in Pennsylvania. In the refineries there I had considerable experience.

Q. With pipe lines, too?—A. Yes.

Q. What can be the purpose, in your judgment, of dismantling the plants, pipe lines, and other branches of the oil business?—A. Well, when the Standard Oil Company have bought out an independent refinery, of course it would not be an advantage to them to run the smaller plant, consequently the machinery of the refinery can be used for practically nothing else, and, of course, it is no good but to dismantle it and let it lie there. To run the smaller plant would be unprofitable as against the larger ones.

Q. The policy of the Standard Oil Company in buying up smaller concerns is understood to be that if the smaller plants are able to produce at a minimum cost they will keep them in operation?—A. Yes.

Q. If they are not able to produce at the minimum or a reasonable cost, they will dismantle them?—A. Yes.

Q. The purpose in buying a plant and then dismantling it is understood to be nothing more nor less than to crush the competitor out of business?—A. Yes.

Q. If that competitor is not able to produce oil at a reasonable cost or minimum cost, what can be the object in crushing him out of business?—A. Well, as I understand you, your question leads up to the matter of why the plant taken by the larger company is not worked.

Q. What can be the object in dismantling these plants?—A. The better consolidation of the work, I presume. Of course, where the smaller refineries in a limited district are bought by the Standard, the Standard has generally a larger plant in the district, and the same amount could be manufactured at practically the same price or cost in the larger institution, and there would be, I presume, the saving of such men as foremen.

Q. Is it not your judgment that the purpose of dismantling such plants and squeezing out of business men who are producing at even the highest rates, at unreasonably high rates, is to obtain unreasonably high profits?—A. I suppose the ultimate object is the profits.

Q. As to machinery and supplies for independent refineries, have you noted any instance in which independent refiners and producers have been unable to get machinery for their works?—A. No.

Q. You believe the market is open in that respect?—A. Yes.

Q. You have not noted any instance where the trust stepped in and said, "Don't supply these parties with machinery"?—A. No; I never knew of an instance.

Q. (By Representative BELL.) From what place did the oil come that made your competition at the time of the cut; that is, the oil furnished by the Standard Oil Company?—A. I presume a great portion of it came from the Western Oil Company.

Q. About what distance?—A. Well, Whiting, Ind., is the nearest large refinery. That is east of Chicago, and I think the next largest refinery is in Cleveland, Ohio, so that it must have come from as far as Whiting, Ind., anyway.

Q. That is 1,000 miles or more from Overton, Colo.?—A. Practically; yes.

Q. Then didn't your local producers have the advantage of the Standard Oil Company in at least the freight for that thousand miles?—A. Yes.

Q. And they were able through their great combination to place oil here, after transporting it 1,000 miles, at 5 cents per gallon?—A. Yes.

Q. Were they, in your judgment, putting that oil on the market at much less than the actual cost to the Standard Oil Company?—A. I don't see how they could.

Q. It must have been less than cost, you think?—A. It must have been less than cost.

Q. You say your understanding is that the Standard Oil Company shipped its product from Whiting, Ind., to the Pacific coast for 80 cents a barrel?—A. Eighty-seven and a half cents. It is not of my own knowledge, but that is the general understanding of the head of the local companies.

Q. And that the local company paid $1.80 from Overton, Colo., to the Pacific coast?—A. One dollar and eighty-seven cents.

Q. Now, what is the difference in distance?—A. Well, I presume it could be figured on the basis of the distance from Pueblo, Colo., to Chicago. Perhaps a freight right through would save a few miles, but it is practically a thousand miles difference.

Q. And that difference was in favor of the Overton Company?—A. Yes.

Q. And notwithstanding it is a thousand miles less distance from Overton to the coast, your understanding is that the transportation companies charged you more than twice what they did the Standard Oil Company?—A. That is my understanding of it.

Q. Now, you spoke of the effect on labor. Is it not your understanding that the labor market of the United States is now too narrow to give employment to all of those who desire to labor?—A. It would seem so.

Q. That is one of the great problems of the day, is it not?—A. Yes.

Q. Has the great concentration of an industry a tendency to lessen the number of laborers?—A. I think not in this particular case. It may; but I have never thought of the matter in that way.

Q. If the Standard Oil Company did not market your product, would you not have to market it?—A. The local companies would have to market it.

Q. And that would require a number of employees?—A. Yes.

Q. Now would not a company, by concentrating a great industry at some great center, do the same amount of work with a less number of men than if the industry was distributed throughout the country into smaller plants?—A. I suppose that is a fact; yes.

Q. Does not the great department store sell the same number of articles or the same amount of goods with fewer clerks than if the business were distributed among many smaller merchants?—A. Yes.

Q. Now as to the tendency of concentration to flood the great populated centers; how does that affect the population in the country?—A. Of course it congests the laboring people into great centers.

Q. What effect does that have on the country at large and the consumer?—A. I think it has a bad effect.

Q. It keeps the smaller places from building up the country—from settling it up?—A. Yes.

Q. Is it your judgment that it is for the benefit or detriment of the country?—A. I think the congestion of a great number of people in particular localities has a bad effect on the country.

Q. You spoke of having had some experience in Pennsylvania. You were in the oil business there, were you?—A. Yes.

Q. About how long?—A. All my life, from the time I was big enough to know anything or do anything.

Q. Did you know of a consolidated company which was known probably at that time as the Southern Improvement Company?—A. I believe that is the company that preceded the Continental Oil Company, or the original company.

Q. Did you know of its having a system of rebates by which it obtained less than one-half of the rate of transportation that was charged the independent producers in Pennsylvania or here?—A. No; I don't know of my own knowledge.

Q. What was the general understanding in Pennsylvania?—A. The general understanding in the oil business there was that the Standard Oil Company had advantages that no independent producer or manufacturer could get.

Q. Did you ever see the contract exhibited in the legislative, Congressional, and legal controversies between the original company and the independent producers, by which the old Southern Improvement Company, which was the father of the Standard Oil Company, was charged 80 cents a barrel from the oil wells to the Cleveland refineries, while the independent companies were charged double the rate paid by the

old company, and the rebate, or the increase, rather, on the 80 cents per barrel that was charged the independent companies, was handed over to the Southern Improvement Company?—A. I remember the controversy, but I don't remember the particulars of it. It was quite a number of years ago. I was too young at that time to take any particular interest in the matter. It took place in 1870, I think.

Q. Was your experience in Pennsylvania the same as here?—A. Yes.

Q. The plants were dismantled there the same as the Overton plant was dismantled here?—A. Yes. You could go up and down the Pennsylvania valley and the Oil Creek fields and see the little independent refineries that were once doing business dismantled all along those valleys, many of them.

Q. How did the system of the Standard Oil Company affect the prices of individual wells in Pennsylvania?—A. The price of the crude product in the Pennsylvania field fluctuates very materially. It is controlled, or supposed to be controlled, largely by the production. Now, for instance, a new field is opened up like the Washington pool, a few years ago. The market price will go down. I have sold oil in Pennsylvania as low as 50 cents per barrel one month, and the price the next month would be about 70 cents. It is presumably controlled by the output or production.

Q. Would you take it, then, that it is presumably controlled by the law of supply and demand?—A. Yes.

Q. Does not the monopolization of the industry destroy that law altogether?—A. Yes; I should judge that that is the case.

Q. For instance, the white lead trust or any other great trust will fix the price for the year?—A. Yes.

Q. The raw material may fluctuate and go down and yet it will not affect that price?—A. Yes.

Q. It may go up and it will not affect it unless the combination means to raise the price?—A. Yes.

Q. Is not that the rule that is now applied to the production of oil, where it is monopolized by one company?—A. Yes; I think so. About 2 years ago, whenever the producer would see the price of refined oil in the London market going down, you could feel sure of a lower price for the crude oil in this country. If it were rising, you could feel sure of getting a few cents higher price for your crude oil the next month.

Q. Well, there has been competition in Europe, has there not?—A. Yes. I believe so far it has been between the Russian Oil Company and the Standard Oil Company.

Q. Is there not competition between the Standard Oil Company and the independent producers?—A. I think so; yes.

Q. We had an independent oil producer, before us recently, state that they sold their product in New York and surrounding cities at less than actual cost. He also stated that they could produce oil as cheaply as the Standard Oil Company, and the minute they reached Europe, where there was no railroad discrimination in favor of the Standard Oil Company, they sold at a profit. Do you know anything of that condition?—A. No.

Q. They also stated that they could market no oil at a profit in Europe until they got their pipe lines clear to the coast, or so near that they could control some short branch of railroad; but when they reached that point and sent their oil to Germany, where there was no railroad discrimination, the rate being equal to everybody under the German laws, they made a handsome profit in competition with the Standard. Now, assuming that the statement of that witness, Mr. Lockwood, is true, would you judge that there must be a railroad discrimination systematically practiced throughout the United States in favor of the Standard Oil Company?—A. I think that is the case.

Q. You believe there is?—A. I do.

Q. Do you believe that the same system of discrimination is practiced by the railroads in favor of other trusts; for instance, the elevator trust that markets the grain, and other like organizations?—A. So far as my knowledge goes, I should judge that there is a discrimination. Of course, my knowledge is very limited in that particular line.

Q. Well, suppose that such a system prevails in the syndicating of industries, what effect will that have on the individualism of the citizen? For instance, if the oil miner can not produce and market his product as cheaply as the syndicate, and the farmer can not ship his grain as cheaply as the elevator trust, will not the necessary result of the syndicating of these industries be that the syndicate must make the profit and the producer be deprived of the just profit that he is entitled to?—A. Undoubtedly in time it would destroy the individuality of the citizen altogether.

Q. (By Mr. KENNEDY.) You are simply a producer of crude oil?—A. Yes; at the present time.

Q. And you sell that to these independent refining companies?—A. Yes.

Q. Can you state what the production of your field is in barrels, daily?—A. It is about 1,000 barrels or more. I presume it is more than 1,000 barrels; that is, crude oil.

Q. I believe you stated that there was no limitation of the amount of crude oil that might be produced in that field.—A. That is, you mean there is no limit put on it by the Standard Oil Company?

Q. Yes.—A. There is no limit as to that. There is a limit as to the amount that can be produced because there is a limit to the flow.

Q. It has how small a flow?—A. As a matter of fact it is producing all that can be produced now.

Q. And you sell to these refining companies?—A. Yes.

Q. Will you state whether you are doing business at a profit or not?—A. Yes.

Q. You are making money out of it?—A. Yes.

Q. How many of the refining companies are there?—A. There are only two at the present time—the Florence Oil and Refining Company and the Western Refining Company.

Q. You stated, I believe, that there was no Standard Oil concern?—A. They are individual concerns.

Q. They are what are called independent refineries, then?—A. Yes.

Q. And the Continental is a Standard Oil concern, is it?—A. That is my understanding; that the Continental is the name of the western branch of the Standard.

Q. Do you know whether the Standard Oil Company controls all of the stock in that company or not?—A. I don't know.

Q. Is the price of refined oil to the consumers in Colorado considered reasonable at the present time?—A. Yes.

Q. As low, in your judgment, as it could be and yield a reasonable profit to the refiners?—A. Yes. You have to take into consideration the quality of the crude petroleum—the illuminating qualities of it. Of course, if you had a crude oil that contained 60 or 75 or even 90 per cent of illuminating qualities, like some of the Pennsylvania oil, in the crude, then perhaps the price of illuminating oil at 20 cents per gallon would be high.

Q. The effect of your testimony would be, after having stated that there is no limit placed upon the production of the crude oil, that the producers of the crude oil market at a profit, and the people of Colorado get their refined article at a reasonable rate, yielding only a reasonable profit to the refiners; that the Standard Oil Company has not done you any harm, excepting in crushing out of business the independent refineries and throwing some intermediary men in the oil business out of employment?—A. That is all in Colorado; that is all the difference.

Q. (By Mr. RATCHFORD.) Can you give any good reasons to the commission why oil should be selling in the States east of here for 8 and 10 and 12 cents per gallon, and at 20 cents in Colorado?—A. I could not. The freight, of course, in these mountain towns is very high.

Q. All things being equal, the price there should be the price here, with the freight added?—A. If you were shipping in Eastern oil altogether, I should say yes; if you were producing and manufacturing Colorado oil, I would say no, on account of the quality of the crude.

Q. Is it not a fact that the cheapest article, quality considered, usually reaches the consumers where the market is open and the business is not monopolized?—A. Yes; I presume so.

Q. I want to ask you as regards wages for labor. Is there any variation in the rate of wages paid to the workingmen who are engaged in producing petroleum now from the wages paid them before this arrangement was made with the Continental Company?—A. No.

Q. Wages have remained about the same during the past twelve or thirteen years?—A. Yes.

Q. Has the number of laborers increased or decreased any?—A. Neither. I think they have about the same number of men now employed.

Q. You have had experience in Pennsylvania as well as in Colorado, and no doubt you have known of some of the smaller concerns combining at times for the purpose of fighting the larger ones, or rather defending themselves against the larger ones?—A. Yes; I have had a general knowledge of it.

Q. I will ask you, then, as a last analysis of this whole subject, whether you know of any small company, in your experience, that would not, if it could, employ the same means to obtain profits as the Standard Oil Company has employed?—A. No; I think they would do the same thing if they got a chance.

DENVER, COLO., *July 18, 1899.*

TESTIMONY OF MR. JOHN C. SULLIVAN,

Miner, Victor, Colo.

The subcommission on mining being in morning session, at Denver, Colo., July 18, 1899, Chairman Bell presiding, Mr. John C. Sullivan, of Victor, Colo., was introduced as a witness, and, being duly sworn, testified as follows:

Q. (By Mr. RATCHFORD.) Please state your full name and address.—A. John C. Sullivan; Victor, Colo.

Q. And the business in which you are engaged?—A. Mining.

Q. What character of mines are you mining?—A. The nature of the ore in that district is gold.

Q. How long have you been engaged as a miner?—A. About 20 years.

Q. Have you had any varied experience in mining? Are you experienced in placer mining or the mining of any other minerals?—A. Yes; throughout the West principally.

Q. Have you mined in the State of Colorado in the last 20 years?—A. Yes.

Q. What part of the time have you spent in this State?—A. I suppose about 12 or 14 years out of the 20.

Q. How are the miners paid who are engaged in that particular branch of the industry?—A. By the day.

Q. What wages do they receive?—A. They vary from $1.50 to $4 per day.

Q. And what number of hours do they work per day?—A. From 8 to 11 or 12 hours.

Q. Do the number of hours and the amount of wages vary in the different mines or in the different districts?—A. In the different districts.

Q. How do you account for the variation in wages and hours?—A. On account of organized labor principally.

Q. Shorter hours and higher wages result from organized labor?—A. Yes.

Q. And the absence of both results from disorganization?—A. Yes.

Q. Look at Part I of the topical plan of inquiry, as to labor employed; what do you say to the commission as to that?—A. In regard to the constitutions of labor organizations, they provide for the protection, enlightenment, education, and benefit of the members in any and all legitimate ways that they can.

Q. In cases of accident they are provided for?—A. Some do and some don't.

Q. Funeral and death benefits?—A. Some do and some don't, but the most of them provide for the funeral expenses.

Q. What is the name of the organization that is usually embraced by the miners of the State?—A. Western Federation of Miners.

Q. Does the general constitution of that organization provide these benefits?—A. No; that is in the local lodges.

Q. The general constitution leaves the way open for these benefits?—A. Yes.

Q. At the discretion of the members; and do they encourage or discourage it?—A. Encourage it.

Q. What is the cost to the members for maintaining the organization?—A. They pay a small monthly due for incidental and running expenses, hall rent and lights, and whatever educational matter may be procured, and to provide a fund to care for the sick and injured, and burial of the dead. The amount varies.

Q. Is it a great organization?—A. Yes.

Q. What proportion of the miners of the State are members of that organization, in your judgment?—A. I can not say positively, for I have not seen any statistics of the members that are in the different organizations.

Q. To what extent are the miners of the State influenced by the Western Federation of Miners in case of strikes, etc.? Do the nonunion men usually respond to a call for a strike?—A. Why, no, not to my knowledge.

Q. They continue at work, do they?—A. Usually, yes; but the Western Federation of Miners don't like strikes.

Q. Yet, in some cases, they resort to strikes, do they not?—A. It is considered as a last resort. They are sometimes forced to do it, in the nature of a lockout, where they are locked out and the company calls it a strike.

Q. In cases of strikes or lockouts, do the nonunion men go out or act in concert with the members of your union?—A. Some do and some don't. Some of them realize that organized labor, although they may not belong, is beneficial to them.

Q. Has the matter of incorporation ever been taken up by your union?—A. Not in the local union to which I belong at present. Some unions of the federation are incorporated.

Q. Under the laws of the State?—A. Yes, in which they are located.

Q. What is the result of that incorporation; do the members appear to find it beneficial?—A. I can not speak intelligently on that. There is a difference of opinion. Some are in favor of it and some are not. So far as I am informed, it is not detrimental.

Q. The members of your union seek consolidation in the matter of wage strikes, etc., I presume—what is called collective bargaining, fixing wage scales for all of its members at each point where there is a scale to be fixed?—A. Yes, we believe in a uniform scale.

Q. In fixing such scale it also applies to those who are nonmembers in that particular section?—A. Yes; that is, they take advantage of it.

Q. Is the right to make a scale denied any nonunion members?—A. No; it is not. They are never known to be interested in it until after it is made.

Q. It is called the liberty of contract?—A. Yes.

Q. That right has not been denied by your organization to any man?—A. No.

Q. Now, I am treating with a nonunion man in his individual capacity. If he sees fit to make a contract for his employment, your organization does not deny him that right?—A. We don't claim any control over an individual who is not a member of the organization.

Q. Yet your organization does not encourage that practice?—A. No; we don't encourage cutting wages.

Q. Suppose it should occur among those who are not members?—A. If it should occur among those who are not members it would affect our members just the same.

Q. You think it would?—A. Yes.

Q. What methods are employed to prevent such practices?—A. Moral suasion.

Q. Strikes, arbitration, and contract labor—treat the subject in your own way—the enumeration of the several causes leading up to strikes.—A. The cause of strikes is the reducing of the income of labor below the amount that is necessary to maintain the individual, or requiring unreasonable conditions—trying to enforce unreasonable conditions.

Q. Is that the sole cause, or is it one of the causes?—A. In my opinion it is.

Q. Don't strikes occur at times to advance wages and to secure shorter working days and more agreeable conditions to the working men?—A. Yes; and those conditions are the same as I stated before—the conditions that might be enforced that would be considered unreasonable, and wages below the living line.

Q. Don't strikes sometimes occur as the result of other processes in operation at some of the mines, such as larger screens than are customary, particularly at the coal mines, company stores, etc.?—A. I am not posted on coal mines.

Q. Have you any company stores at the mines?—A. In some places there are. There is an objection about patronizing them; that is, about being held up by them.

Q. What is the general result of these strikes, lockouts, etc.; any economic results from the standpoint of the workingmen or the standpoint of the management?—A. Of course a strike can not help but cause hardships upon the working people. It cuts off their meager revenue for a time, whatever it might have been before, and reduces them to the lower planes. Sometimes they gain a point and sometimes they loose. They have serious obstacles to contend with, and about the first thing the press of the country begins to howl them down and tell the people about its being unlawful and about their being anarchists, and all kinds of outrageous things, to prejudice the minds of the people, who are not familiar with the conditions, against them. Also this government by injunction that has been in operation for the last few years—there is frequently an injunction issued to restrain them from walking in certain parts of the earth. They kill them, shoot them down for walking on the highway. And again they are thrown in jail without any charges against them, and at times held for months without a chance to consult or see anyone, and without even a charge filed against them. As an illustration of this, at the present time there are in Idaho 300 or 400 men in jail without any charges filed against them, and lots of them are denied the right to consult an attorney or see their families. I don't know whether they are guilty of any crime or not. If they are guilty they should be convicted, and if they are innocent they should not be held in confinement for an unlimited time.

Q. As to the disadvantages resulting from strikes, is it your judgment that a greater disadvantage would result than that which would result if the miners submitted to the terms offered them by the employers?—A. If they submitted to the terms it would simply be starvation by slow stages.

Q. Then you believe the ability to strike and willingness to strike when needed is, from the point of the workingman, an economic advantage?—A. A willingness to strike in the minds of a majority. There are but very few willing to strike, but at times they find it is necessary in order to object to the conditions that are being forced upon them.

Q. Those who are unwilling to strike, who dislike strikes, will favor them and

enter into them rather than surrender that which they believe belongs by right to them?—A. Yes; I believe the majority of them would rather strike than to starve to death by inches.

Q. Then the strike is always a last resort?—A. Yes.

Q. What influence is brought to bear to avoid a strike; what methods are employed in cases of disputes—conciliation?—A. Yes, and reasoning with the contending parties; and, so far as I know, there has never been a miners' strike where the miners were not willing and anxious to arbitrate previous to the strike.

Q. Conciliation and arbitration are among the principles set forth by your union, are they?—A. Yes.

Q. Do you find those methods advantageous?—A. We find them of no avail. We find that the employers absolutely refuse to arbitrate, and when they get a decision of the board of arbitration and it don't suit them they set it aside. You will find they did that in this State about a year ago or little more than a year ago.

Q. Could you name the instances in which it occurred?—A. Yes; in their strike in the Louisville district.

Q. The coal company refused to accept the award of the State board of arbitration?—A. Yes.

Q. What company was it?—A. I forget the name of the company.

Q. Have you known of any instances where the workingmen refused to accept the award of the State board of arbitration?—A. No.

Q. Or any other board of arbitration?—A. No. I don't call any of them to mind at present.

Q. Treating the subject of strikes a little further; does the commission understand from your statement that miners always enter into a strike reluctantly and against their wishes, and prefer to do it rather than surrender that which would reduce them to want and poverty?—A. That is my understanding of it; that is my experience; to get what belongs to them.

Q. Is the general feeling so often expressed as regards the miners true or not—that the miners are more ready to enter into strikes than are the other trades?—A. I don't think they are.

Q. Is there something peculiar about the mining trade that leads to differences between the miner and employer that is not present in other trades?—A. It may be considered more dangerous; it probably is. Up in the Cripple Creek district there they are killing off more men than they are in the war.

Q. That is specially true where they mine by the ton or weight, is it not; and conditions are found to exist there which are likely to give rise to disputes that are not to be found in other trades?—A. Well, I have never had any experience where they mined by weight.

Q. Your experience has been in mining by the day all the time, has it?—A. Yes, or by the contract; supposed to be by daily wage.

Q. When strikes are resorted to, by what methods are they usually conducted?—A. We use moral suasion, so far as it is within the power of the strikers to effect a settlement.

Q. The strikers are supported by the union, are they?—A. They very often get assistance in the way of donations of money, etc. I have given money to them.

Q. What other methods are employed to bring about results?—A. They try and induce the contending forces to arbitrate or to submit the different sides to a conciliatory board of some kind. Moral suasion is used to try and keep other people from taking the places of the miners. We try to explain the justice of the case to them.

Q. Is the boycott or blacklist resorted to?—A. The blacklist is not used by labor organizations.

Q. Is it used by employers?—A. I believe it is.

Q. Why do you believe it? Can you point out any instances?—A. Yes. In the spring of 1895—that was after the silver crash in 1893—I was in Aspen, and there was some little disagreement, and work was suspended after the crash; but in the fall it was started up. There was some little disagreement for a short time—a week or so—and finally the mines started up, the most of them—those that could afford to produce, as they were principally silver mines; and those who were the most active in trying to get as big and as reasonable wages as they could in the settlement with the miners found they were unable to get work after the mines resumed. Later on, in the spring of 1894—I believe it was the latter part of the winter—there was a manager at one of the mines arrested for maintaining or keeping a blacklist, or whatever you might call it. I don't remember the number of names on that list, but I think it was something like 50. These men—I don't believe but a few of them have been able to get a job in Aspen since that time; and the most of them, after finding it was useless to get a job there, left and have not been back since.

Q. Was the operation of that blacklist confined to that one particular company or that one district, or did that blacklist, in your judgment, extend to other companies in the State?—A. Well, I don't believe it had much effect outside of that district. I believe that it had effect in the principal mines in that district.

Q. Can you conceive of any method by which a company can obtain the things desired more effectually than they can by the use of the blacklist?—A. Well, the blacklist is probably the cheapest for them. It seems to be but very little bother for a company to use the legal powers of the various States in getting the militia out in any way and at any time and under any conditions they see fit. We had an illustration here last winter in this State—in Lake City, Hinsdale County. There were miners in one place that didn't like the grub that was being thrown up at the boarding house, and they refused to eat or do anything, and it was but a few days before the State militia was down there. There was no objection to the hours or wages, but there was an objection to the quality of the grub they were being fed on.

Q. Were they fed in the company boarding house?—A. Yes.

Q. What was the result in that case?—A. The result was that the militia went down there, and I believe they chased these men out of the country, or had them leave of their own free will. In my opinion it amounted to chasing them out.

Q. Were these men at liberty to board elsewhere, or was there no other place for them to board and continue their work at that particular mine?—A. I don't know whether there was more than one boarding house there or not, but they wanted the privilege of boarding where they saw fit.

Q. The company denied that privilege?—A. Yes; that is my understanding of the case.

Q. With the result that the men were chased out of the place?—A. Well, I don't suppose it could be called chasing. I believe there was a kind of compromise made that they leave on condition that they would not be prosecuted. I don't know whether they were afraid of being prosecuted. I guess they made them believe they had committed some crime by refusing to eat grub in a certain place.

Q. The power of the blacklist is rather unlimited in its nature, is it not, where the employer sees fit to use it for the purpose of obtaining the best results from his point of view?—A. Yes; it can be really unlimited.

Q. It is possible for him, under that system to dismiss whatever number of men he may have who don't at all times take his view of every subject?—A. Yes; he certainly has power to dismiss them.

Q. Does your union demand reasons why a man should be dismissed?—A. Well, we never object to a man's being dismissed for being incompetent or unreasonable or incapable or anything of that kind, but we don't like for him to be dismissed for some unjust cause.

Q. You don't object to a man's being dismissed if he merits dismissal?—A. No.

Q. Any that commit a violation of the rules—a gross violation of the rules of the company, or anything of that kind, you don't defend?—A. No.

Q. The boycott is an open weapon?—A. It is. Where there is a disagreement between the employer and employee, it is stated publicly; it is not held in secret; the public is advised; and whenever a disagreement is settled the boycott is called off by the parties that placed it, and the public is always advised that it is called off. At the present time the boycott is restrained by law in this State.

Q. That is, that men can not conspire or enter into any agreement by which they will make public a boycott against anyone?—A. Yes. As I understand it, you dare not tell anyone else if a certain party is not doing what you think might be fair.

Q. And yet you believe that the blacklist is practiced quietly and secretly?—A. Yes. A case in regard to the blacklist has just come to my mind. There is a superintendent of a certain mine in the Cripple Creek district that I know of that has received letters quite frequently from other places in the West asking him about a certain individual, probably stating in the letter that the certain individual says he has worked for the superintendent some time in the past, and asking him for information, if there is anything against his character.

Q. Do you believe that even though the powers of the boycott were open to the workingmen it is as possible for them to obtain as good results as can be obtained by the use of the blacklist?—A. No; the boycott is not nearly so effective. The boycott, when the difficulty is settled, is off, and the blacklist remains.

Q. Are there any other reasons why it is not so effective?—A. Well, probably the employers, as a class, are in a closer touch with the workingmen on matters that concern them.

Q. Is it not a fact that the publicity given the boycott in order to make it effective in any instance always results in a strong opposition to it and those who resort to it that would not exist if you were able to boycott secretly, as the blacklist is con-

ducted?—A. Well, if it was conducted secretly it might have the desired effect, but I don't consider it possible.

Q. It just depends upon the publicity that it gets and the efforts that are made for it?—A. Yes.

Q. It is not the intent of the boycott to permanently injure, but it is for the purpose of righting a wrong temporarily?—A. Yes.

Q. What have you to say as to sympathetic strikes? Do you know of any such in this country?—A. Not in the mining industry.

Q. Have you known of it in any other industry?—A. I believe they occurred in the A. R. U. strike of 1894. I believe that a part of those were sympathetic strikes. I don't believe that they have ever had a sympathetic strike, even among the coal miners, in this State. There might have been a strike, and they might have been in sympathy with the strikers somewhere else at the time they struck, but I don't believe there was a strictly sympathetic strike started in the State among the coal miners or among the metalliferous miners. There has not been to my knowledge a sympathetic strike.

Q. Is it not reasonable to suppose when a reduction in wages is suffered by a large portion of any one trade that that reduction is likely to affect all?—A. Yes.

Q. That being the case, are not strikes that are often said to be sympathetic, in your judgment, strikes to preserve wages?—A. Yes. At least, I would answer to that question.

Q. Have you anything to say as to the importation of foreign labor under contract?—A. Yes; I object to contract labor. I think it is detrimental.

Q. Have you anything to say as to the extent to which it has been practiced in your State, and the results?—A. Yes. There have been numbers of people imported under contract into the State, and at a time when there were quite a large number of unemployed in the State, looking for work and willing to do it. I think it is an injustice that this State or any other State should allow labor to be imported into it when there is unemployed labor and where people are going hungry and looking for work in that State.

Q. You have no State law bearing on that?—A. Apparently not. It has not been enforced if there is one. I don't know whether there is one bearing on it or not.

Q. Do you believe the effect of the importation of labor from another State is quite as injurious to the workingmen as if it were imported from another country?—A. Under the same conditions, I would say yes.

Q. Conciliation and meditation—have you anything further to say upon it?—A. I don't know as I have. I think it would be beneficial to make it binding on both sides, after they had submitted a proposition, to abide by the decision.

Q. You are speaking of arbitration?—A. Yes.

Q. Do you believe that arbitration in each dispute should be compulsory?—A. I believe it would help matters some, and I think from the workingman's standpoint it would be better to make it compulsory.

Q. Would it not lead to the existence of unjust disputes; that is to say, if the men knew that a dispute meant arbitration, would that not be an incentive to the existence of disputes?—A. I don't think it would, any more than companies do naturally go into courts.

Q. Do you believe that such an arbitration board should have the power to say what questions are fit questions for arbitration?—A. No, I do not. I think that is giving one man too much power.

Q. That they should have no discretion in that?—A. I don't think that, but I think that they should pass on what is submitted there and defend each one.

Q. What would be the practicability of compulsory arbitration and the enforcement of awards, for instance?—A. I think it would save strikes, save lockouts and lots of expense and hardship to the employees.

Q. In case the award was decided against the employer, could not he take the ground that he could not run his mine at a profit, and close it down?—A. I think in that case the State should take the property under the right of eminent domain and run it for the people.

Q. That is to say, that the State could not, through its arbitration board, impose conditions upon any company that it is not willing to carry out itself?—A. Yes.

Q. Have you anything to say as to the injunction?—A. I think it is one of the most infamous systems ever practiced in what is supposed to be a republican form of government.

Q. Is it practiced to any extent throughout your State?—A. Yes, it has been.

Q. Have you ever been served with an injunction?—A. No.

Q. Has it been a disadvantage to the laboring men where it has been applied?—A. Yes.

Q. Has it restrained them from committing crime?—A. I don't think so. I don't think it is ever the intention of the injunction system to restrain them from committing crime.

Q. Would it not restrain a man from committing crime if he intended to do so?—A. I suppose if they locked him up they would keep him from committing a crime, but it is pretty hard to tell what a man intends to do.

Q. Prior to that stage is it the intention to lock him up before he violates the law?—A. It seems to be the practice to do so.

Q. Before he violates the restraining order?—A. In regard to that, I don't know hardly how to get at it; but this injunction, as I understand it, and as I have seen and read of it, is to restrain him from doing something or other that he might possibly want to do, and before they have any evidence that he intends to do it, and before he could, maybe. If they thought he might possibly do it, and if they thought it would be well, they would look at it from every side of the case and put him under the control of some guard.

Q. The usual practice is to enjoin him, and at the same time have him continue his liberty with the exception that he is restrained from doing certain things set forth in the injunction order.—A. Sometimes restrain him from walking on the earth, walking on the highways, holding meetings, or trespassing on anybody else's property, etc.

Q. The question asked in that connection is whether such an order would restrain a man from committing crime if he really intended to commit it?—A. I don't think it would.

Q. Have you ever known a man who was enjoined during strikes to harbor any ideas as to the commission of crime?—A. No; I never have.

Q. Have you ever known employers during the times of strikes to encourage crime?—A. I can not positively say that I have.

Q. Do you believe the power of the courts has been abused in this matter of injunction?—A. Yes.

Q. Do you believe in the proper use of the injunction?—A. Yes.

Q. It is not the injunction itself, then, that you object to, but rather to the improper use of it.—A. Yes; I object to the system.

Q. As to payments of wages, how often do you believe men employed in the mines should receive their wages?—A. Probably the oftener would be the better for them. The worst objection of the employees of the mines about the pay day is that they do not receive their pay at all. I have a time check in my pocket at the present time which was issued by the receiver of the court that was operating a mine in the Cripple Creek district in 1896. That is the worst fault we find with the pay day, that sometimes it never comes, and more especially when the mine is operated through the courts.

Q. What were the men working for in that case?—A. They imagined they would get pay for it. I said I had a time check in my pocket. Now that was issued by the receiver of the court appointed in this State that was operating a mine in 1896. I considered at the time that I was working for the district court under the man that was appointed as receiver of the property.

Q. What is the nature of that time check; is it a duebill, an acknowledgment of service?—A. I have carried it pretty nearly three years. (Witness takes time check from his pocket and reads it to the commission, as follows:)

"Number 17. September first, 1896. This is to certify that Mr. J. C. Sullivan has worked thirty-two days for the Modoc lease, for which he is entitled to $96.00. (Signed) Phil Whalen, Receiver."

Q. Mr. Whalen in that case was appointed receiver by the court?—A. Yes.

Q. And you have never obtained the wages?—A. Never have been paid that amount. There have been two payments made on that. There is about $50 unpaid yet.

Q. This is a case in which the mine went into the hands of a receiver, and the receiver failed to pay the workingmen?—A. Yes. The mine has been paying dividends since. It is paying dividends right now.

Q. Do you believe that workingmen should receive their wages once a month or semimonthly or weekly; which would be to their advantage?—A. It would be better to receive them once a week. Then if a mine failed to pay they would not lose so much.

Q. Would there be no advantage, such as buying their necessaries for cash?—A. They might obtain a little better price by buying for cash.

Q. It would tend to do away with the credit system?—A. No, I don't think it would; it would reduce it somewhat.

Q. Have you ever received any store orders in payment for wages?—A. No, I never have. I never work for mines where they issue them.

Q. You never worked in mines where they have had stores in connection with them?—A. Yes.

Q. Have you worked where houses were owned in connection with the mines?—A. I have worked where boarding houses were kept in connection with them.

Q. In that case was a man privileged to board where he pleased?—A. No.

Q. Must board at the company boarding house?—A. There are some exceptions, but they are very few.

Q. What rates are generally charged men for a month's board where the company conducts the boarding house?—A. From $5 to $7 per week. It varies in different mining camps.

Q. Is it usually about the same price as is charged in other boarding houses?—A. It is usually about the same price for table board in the company houses that you would get board and room for in the private houses in the same community. In the company houses you are obliged to furnish your own bed, so that it is rather a higher rate.

Q. What contract, if any, exists between the keeper of that boarding house and the company?—A. Well, sometimes he is an employee of the company; at other times he pays the company a percentage of the receipts, and at other times he pays rent for the use of the house. I would say that more often than any other way he pays a percentage of the receipts probably to the superintendent or manager.

Q. Can you state what that percentage is generally?—A. No.

Q. Difference in wage schedules in the different sections; do you find that the wage schedule varies in the different sections of your State?—A. Yes.

Q. What is the influence causing the variation in wages?—A. Organization among the miners.

Q. Anything else?—A. I think that is the principal cause.

Q. Does competition appear to have anything to do with it, or lack of opportunities?—A. They may have a small influence, but it would be a small one.

Q. How long did you say you had been in this State?—A. Twelve or fourteen years out of about twenty.

Q. Can you give us briefly an outline of the wages paid during that time as compared with the present time?—A. They are lower now, with a few exceptions. As a whole, I should say that they are lower.

Q. What were the highest wages received for that class of work that you follow during that time where employed by the day?—A. I have received as high as $7.

Q. And as low as what?—A. Three. Of course it was not for doing the same work.

Q. Mining a different class of ore?—A. Doing different lines of work.

Q. And on the whole you think wages are lower now than at any time during that period?—A. Yes.

Q. What has been the social condition of the men during that time?—A. I believe they are a little better posted. As a class I believe they are doing more reading and a little more thinking all the time.

Q. You think they are improving along social lines?—A. Yes.

Q. What part of that improvement is due to the teachings of their organizations?—A. I think all of it is.

Q. Is it customary with your unions to have reading rooms?—A. Some of them; others can not afford it.

Q. Do you believe by reason of that, that the standard of intelligence is increasing?—A. Yes.

Q. Is it not due also to the building of schools and the education of the people more thoroughly than 20 years ago?—A. I believe it is. They have better school facilities now than they did 20 years ago. I think they are better now than when I went to school.

Q. You have a law in the State, I believe, intended to prevent the employment of children in the mines and factories under a certain age?—A. Yes.

Q. Does that improve the social and intellectual condition of the workers in some measure, or at least a portion of them?—A. Yes.

Q. Do you believe it would be a benefit where enforced?—A. I do.

Q. Do you believe that the age limit now fixed meets the requirements of the children for the best interest of all?—A. No.

Q. What improvement would you suggest?—A. Raise the age.

Q. To what?—A. Eighteen years.

Q. Do you believe that any exception should be made, for instance, in the case of a widow who had a family of small children and a couple of boys of the age of 15, 16, or 17?—A. No; I don't believe in any exception to that particular case. I believe the State should look after the people in that case, who would not be capable of taking care of themselves.

Q. As to the causes of irregular employment?—A. Improved machinery and the concentration of the industries.

Q. What remedy would you suggest for that?—A. The Government competing in the manufacture and distribution, and the shortening of the hours. Building railroads, for instance, parallel with all of the individual and corporation roads in the country.

Q. Do you believe that the hours of labor should be reduced proportionate with the ability to produce?—A. Yes.

Q. And that we should go on along that line until we reach the point where everybody who wants to work is employed at fair wages?—A. Yes; I think the Government should take steps to that effect, and to bring about that condition.

Q. You believe then that the solution of that problem rests with the Government?—A. Yes.

Q. What is the average number of days employed for the past year in your industry?—A. I suppose last year I worked probably 250 days, more or less; I can not say positively.

Q. Is that generally true of miners following that particular line?—A. I think it is a big estimate for the last five or six years.

Q. The a\ ge hours of labor?—A. Eight and 12 hours.

Q. At pres nt?—A. Yes. The supposed 8-hour law reduced hours in a good many places. In some of the places, where it was a long ways—take a 10-hour place, where it would take a man half an hour to go and come from work, he would probably put in 11 or 12 hours.

Q. What effect has this 8-hour law had in shortening the hours in your State?—A. In some places it is recognized. It has shortened the hours in some places.

Q. Has it resulted in the shortening of the hours of any considerable number of your tradesmen?—A. No; I can not say that it has.

Q. The numbers are small?—A. Yes.

Q. Do you believe that legislation is the best method of bringing about such reforms?—A. Under the present condition I would say that the legislature is an unnecessary expense, on account of the courts setting aside anything the legislature may do, providing they see fit.

Q. Is this not one of the reforms advocated by your organization, the shorter workday?—A. Yes.

Q. Up to the present time you have not felt as an organization that you could make a demand for it and succeed—that is, a general demand?—A. We have been agitating it for years.

Q. But have never demanded it generally?—A. Well, in localities where we felt strong enough, if you could put it in that way, we have tried to get an 8-hour law generally. We have tried to get it through the different legislatures, and succeeded some years ago in Utah. That was the first attempt where it would really affect the mining industry.

Q. I take it that you don't believe that the law gives any material aid in bringing this reform about?—A. Yes; it certainly passed that.

Q. Even though it is declared unconstitutional, does it help them?—A. No, I don't believe it does. I can not say it would help them in that way.

Q. Have the workingmen not the power through their organizations, if properly organized, to bring about these reforms without law?—A. They could, through the strike system, but they don't like to strike.

Q. Is it not possible that they could bring it about without a strike?—A. I don't consider it so.

Q. You don't believe such reforms could be effected through conciliation or mediation?—A. Not so long as the courts say a law to that effect is not constitutional.

Q. Is it not a fact that the miners of the eastern States, a little more than a year ago, secured an 8-hour workday through 4 or 5 States by conciliation and mediation?—A. I am not familiar with that case.

Q. What is the effect of the shorter workday where it has been adopted?—A. It gives employment to more men, and I believe better satisfaction has been given. The mine that works 8 hours can produce more than when it works 10 hours. When it works 10 hours it can only work two shifts. It will employ more men, and if there is a profit it will realize a bigger profit to the owners. I believe as a rule a man will do as much in 8 hours as he will in 10. If a man is fair in the mining he will do all that a man can do in 8 hours; he will do all that he is able to do.

Q. That is, the shorter workday tends to elevate men to a higher standard?—A. Yes; I believe it does.

Q. Do they read more?—A. Yes.

Q. Think more?—A. Yes; and they will read more and get to think more.

Q. What have you to say as to cooperation, profit sharing, and industrial copartnership?—A. I believe it would be beneficial to the people. It would give the people the profits instead of the individual.

Q. Have you instances of that here?—A. I don't believe there is a fair illustration of it in Colorado.

Q. Have you any plans to suggest along that line for the improvement of the condition of the working man?—A. Well, I believe it would be more beneficial for the workingmen if they would act on the cooperative basis in all of the departments; that is, everything that they use and handle.

Q. As well as what they produce?—A. Yes; I think it would be beneficial; and I think it would be more beneficial if the Government would do it.

Q. What have you to say with reference to immigration?—A. I think more unskilled labor comes in from foreign countries than skilled labor. I think a larger percentage by far is unskilled labor. The worst objection that I can find is the immigration of paupers, you might call them; the poorer classes of the European nations. There are so many of them, and I believe that they come under contract, although we may not be able to prove that fact. That part of it I think is detrimental. I don't think we could object to any intelligent immigration, no matter how many.

Q. Or where they came from?—A. No.

Q. Have you means of knowing to what extent these men have been deported during the last year by the department of immigration or bureau of immigration, or for the past two years?—A. No, I have not paid very much attention to that. I have noticed some articles in the newspapers occasionally that it has been done. That is really all that I know in regard to the matter.

Q. Have you anything to suggest for the regulation of immigration?—A. Well under the present conditions so far as the industries of the country are controlled by the trusts and individuals, I believe it would be beneficial to the people, that all the laborers that come as immigrants should be required to be self-sustaining or have enough money to sustain them for a stated time. I think that would be beneficial. I think it would have a tendency to reduce the contract system of importation of labor to a minimum.

Q. Do you believe it is possible to maintain wages and the standard of living for the American workingmen and miners and at the same time allow immigrants to come as they do? A. Not under the present industrial conditions.

Q. Do you believe the numbers coming here advance and decline in proportion to the wages paid here?—Well I believe that they do at the present time, and in the past few years they have had the effect of reducing the wages throughout the East; but I don't think it has affected the mountain States to any material extent yet.

Q. If it affects wages in the East don't it affect the wages in the West?—A. I believe it does indirectly.

Q. For instance, the eastern miner, artisan, mechanic, etc., is displaced by those who are willing to work for less money, and does not he often find employment in the mountain States?—A. Sometimes he does. I think there are but few of the immigrants that come West directly, except the Chinamen that come from the East and land on the Western coast.

Q. Have you any knowledge of the operation of the Chinese exclusion law?—A. I have read it.

Q. Is it operative now to your knowledge?—A. Well, I don't know. I understand it to be in effect, but I don't know that it excludes them; I don't know that it keeps them out. I am of the opinion that it does not. I think they come in the United States from both the North and South. I have heard individual statements to that effect. Of course I don't know anything about it of my own knowledge.

Q. Has the Western Federation of Miners at any of their conventions taken any action on the immigration question?—A. No; I do not believe they have.

Q. Have you public schools in sufficient numbers and adapted to the needs of the working people in industrial centers?—A. Well, I don't know in regard to that. I don't think they can get too many of them. I don't know that there is any danger of getting too many. I believe it is detrimental to the school children to get too many of them in one room. I think that could be largely improved upon by building more schools and not having so many of them crowded in together.

Q. There is no question on that score, is there?—A. Well, there is some grumbling about it more or less in different places that want more schools. I have one addition that could be made to the statement that I think would be beneficial if it was properly enforced.

Q. What is that?—A. That is the science of phrenology. I think if that was attached to the schools and the children should undergo an examination by a competent professor they would be, as a rule, more successful in the later years.

Q. Have you any libraries in your mining towns or any trade schools?—A. A good many of the mining towns of any size have school libraries. Some of them are very limited. There are very few public libraries in mining towns.

Q. Have you reading rooms?—A. There are a few reading rooms scattered around in places.

Q. On the whole, you believe, do you or not, that the child or the young man or young woman who is desirous of an education has an opportunity for it?—A. I believe they have a fair opportunity; that is, if they can afford to go to school.

Q. Have you any convict labor in your State in the mines?—A. No; I don't think there is.

Q. Are they employed at any other branch of trade?—A. Well, I don't know whether you would call it a trade or not. I believe they do some agricultural work; something in the way of raising provisions, and the like.

Q. For the market or for themselves?—A. I think they use the most of them and probably all of them. I think they make brick for the market and put it on the market at Canyon City.

Q. Is the competition of convict labor with free labor injurious to free labor?—A. It certainly throws free labor out of employment to the extent of whatever they make.

Q. What suggestions have you to offer for an improvement?—A. I am not in favor of the convicts manufacturing, raising, or making anything so long as there is a free man or woman wanting to do that kind of work for pay.

Q. You are not in favor of their manufacturing anything?—A. No; not as long as people are looking for a job. I think it would be far better for the convicts, if it would be possible, to provide them with literature and let them study in confinement than it would be to put them to work to compete with someone who is out going hungry.

Q. How about public improvements; the making and maintaining of roads, for instance?—A. I think that should be done by the State and nation.

Q. By the free labor in the State?—A. Yes.

Q. Look over page 7, addressed to the employers' side, and if there be anything there that you care to make reply to, we would be glad to hear you.—A. Under the wages that are paid in the State at the present time, I would say that they are as low as a man can live on, taking into consideration the average time he is idle. If they could receive steady employment, all the miners in the State could live fairly well on the wages paid, but when they are at least one-third of the time idle, they get hardly enough to support themselves and their families, if they have any. I think it would be better for the working people if all work was done by the day, and there should not be any overtime except when necessary. When overtime is necessary I think the unemployed should be engaged to do it, thereby lessening the time of the unemployed a trifle. I don't think that corporations or individuals should be allowed to import labor under contract from one State to another or from one part of the State to another.

Q. Or from a foreign country?—A. Yes, and from the foreign countries. I think the conviction of being guilty of blacklisting should be a felony. I think there should be something done so that there should not be so many people kept out of wages that they work for.

Q. Does it not become the employees' duty to hire with men who are responsible for his wages?—A. He can not always tell that. It would be a very hard matter to tell that. When I went to work for these men who issued the time check I showed you, I supposed the pay would be all right. I didn't have any reason to doubt it.

Q. Under the laws of your State can you not levy upon the property for your wages?—A. No; I have not taken any legal action. I made up my mind I would not give up what little was coming to someone to collect it. I believe, as a matter of fact, there is about $2,000 in wages due to myself and others; and part of them at the time placed their claims in the hands of lawyers, and they have not got any money yet. I got a little of that money without giving it to someone to collect it.

Q. Could you not levy upon the property?—A. No.

Q. On the stock?—A. It seems as if that failed in the cases that the other employees gave to the lawyers, and it looks as if there was no chance to levy upon anything, or they would have done it.

Q. Look at Part III; what have you to say of industrial and remedial legislation?—A. I believe that men working in the mines and failing to get their pay should have a right to take and hold the property, and I don't think that the property should be allowed to be worked until such adjustment is made. I might make some suggestions in regard to the safety of mines. In regard to electricity as a motive power in mines, I consider it unsafe. There have been quite a number of men killed in the Cripple

Creek district on account of these electric hoists. There was one man who was going down a shaft in a bucket, and in some way the electricity ran down the cable and so charged the bucket that it killed the man, and the men in the bottom of the shaft were unable to remove him from the bucket for more than half an hour after he received the shock.

Q. Was that the electricity employed at the mine for motive power?—A. That I don't know. I never knew of a fatal case of it running down a cable except where an electric hoist was in use.

Q. Is there any danger of the men coming in contact with electric wires?—A. The electric wires very seldom go down in the mines unless they are pretty well insulated and protected. They are very seldom run through drifts or tunnels where you could come in contact with them except for lighting purposes. Of course there is some danger in that, but that part of it could be avoided. The worst objection that I find to the electric hoist is in the blasting in the shaft. The men working in the shaft will be ready to blast. They light the shot, and then they are pulled up a few feet with an electric current pulley. The electric pulley has no power to pull them out after it is once shut off, and it is so uncertain that we consider it very unsafe.

In mines that use cages I think it would be a benefit and protection, and save a good many lives during the year to use what is commonly called a closed cage, an iron framework or netting of some kind around the cage, so that when we got in the cage to go up or down there would be no chance for injury.

Q. Does the law of your State provide that cages should be covered?—A. Closed around the sides and on the top—they are closed on top; that is, have an iron hood over them.

Q. And safety catches on them?—A. There are safety catches on many cages, but there are not many accidents on account of a safety check. There is one once in a while, but not often. But occasionally a man may be going up in the cage, and there may be a long piece of horizontal timber, projecting 10 or 12 inches, and if the cage should jerk a little bit to one side the man might get under these timbers. There is only once in a while an accident of that kind. About 9 years ago, I believe, there were 9 men killed in the Anaconda mine in Butte, Mont. At that time 1 man got caught under the timbers and that threw the others around, and I believe there were 9 men killed in that cage. If it had been a closed cage it would have been avoided, for they could not fall off. I think there should be a limit to the depth that could be worked with a bucket in sinking a shaft. I think when they get a certain depth that they should be required to set a hoister down in the mine at a station, so that we would not be required to pull out to the surface from 300 to 900 feet on a slender rope sometimes. I don't think the mines in this State have ever been properly inspected.

Q. Is the ventilation poor?—A. In some of them it is. There is no regular system.

Q. So poor that men can not work at times?—A. Yes, very often. There were 2 men, a short time ago—1 killed and the other nearly so—in the mines of the Cripple Creek district, on account of bad air. They got down in the mine, and then in the drift and then up the raise. They were supposed to fall out of the raise. One of them was killed and the other put in the hospital.

Q. As a result of bad air?—A. Yes.

Q. Is it unusual for men to come home on that account, and does it occur often?—A. Well, they seldom go home on account of it. They have to be helped out, and are unable to do very much. If a man is knocked out in the smoke or bad air he generally becomes senseless, and he has to lie somewhere until he gets over it, where he can get the fresh air. He usually goes to work again when he comes to. He may go home if he feels too bad. A man who is not used to going in the mines has no idea of how much powder smoke a miner is obliged to eat.

Q. Is there no way of regulating the matter so that the smoke will not come in contact with the miners?—A. I don't know as there is. They are supposed to shoot as they go off shift. Of course, they blast whenever the occasion requires it, but it is usually when they are going off shift, and then the other shift comes on before the smoke gets out, usually.

Q. If there was proper ventilation in the mines, would the smoke caused by the shots not be cleared out by the time the other shift came on?—A. That would depend upon how much time intervened between the two shifts.

Q. How much time does intervene—an hour?—A. Different times. Sometimes one shift will relieve another right on the minute, and others may be half an hour, and some an hour. Also the atmosphere has something to do with the time that it takes for the smoke to get out of a mine. In times of heavy air the smoke will hang on longer.

Q. What system of ventilation is usually in operation here, furnace or fan?—A. There are seldom any means.

Q. Do they have nothing but the natural ventilation?—A. That is about all. Of course, there are exceptions where there is a fan. In the places where the men can not stand it they occassionally put in a fan.

Q. Where is the fan put in?—A. Usually on the surface or at the mouth of the opening.

Q. To ventilate the whole mine?—A. To ventilate a certain place. Suppose a drift would be in a long way and the air bad, they would place a fan somewhere outside and run it and blow air in through a pipe. That is the way the fans are used. And they fix the pipe with a funnel-shaped opening on the inside; that draws the smoke out.

Q. Have you ever seen a fan placed at the mouth of the air shaft to ventilate the whole mine?—A. No; I have never seen a fan of that kind. The only fans I ever saw used were to blow air into a certain drift, or it may be an upraise, and it may be intended to blow it into three or four different places.

Q. Through pipes?—A. Yes

Q. On the whole you believe that the laws providing for safety and ventilation are not so framed and carried out as to meet the requirements of the miners, so far as their health and safety is concerned?—A. I do; yes.

Q. Have you anything further to add to that topic?—A. In regard to the inspection of the mines—there are many mines that have been imoroperly timbered. This inspection attempts to protect the properties. There are so many corporations that believe that a man is cheaper than timber, that they fail to put the timber in. I believe there have been mine inspectors in this State for about 10 years. I don't remember the exact time when the first one was appointed after the law was passed. I have been working in the State nearly all of that time, and I have actually seen 1 deputy inspector in that time.

Q. How many years?—A. About 10 years. At that time that inspector went through a mine where there were about 200 men working in about 20 minutes.

Q. How often do you believe the deputy inspectors should visit the mines?—A. I think that once in 3 months would not be too often.

Q. And you have not seen but 1 in 10 years?—A. Since I have been in the State—I could not say the exact time—I have seen but 1 actual inspector on duty.

Q. As you understand it, the duty of the inspectors is to see that there is sufficient timber in the mines for the safety of the men?—A. Yes.

Q. Sufficient air?—A. Yes.

Q. And that machinery should be inspected?—A. Yes. On the machinery there is one thing I happen to think about. I believe it happened yesterday evening on the Lucky Gus mine. I heard there was a man killed in that mine before I left home, and that he was brought down to the morgue in Victor. I could not hear any of the particulars before I left, but I see by the papers that 2 men were going in a bucket to the level below them; that they went a little ways and the bucket dropped 30 or 40 feet, and that threw 1 man off. The other man happened to be lucky enough to hold on to the bucket.

Q. Have you any explosive gases in your mines?—A. No.

Q. You have never mined coal?—A. No.

Q. (By Representative BELL.) You spoke of putting off your shots at the lunch hour so as to give the smoke a chance to clear away. That would be perfectly feasible where you had a 10-hour shift.—A. We would do that occasionally.

Q. Suppose you had three shifts, and the three shifts were to work 8 hours, respectively, would it be impossible for them in working 8 hours each to wait one moment for the smoke to clear away in the same workings?—A. If the smoke is not out they are expected to go in and breathe it.

Q. Where you have 8-hour shifts and are working continuously, then it makes no difference when the shot is put off?—A. No; really it does not. There are certain times when each shift is supposed to do a certain amount, and they are expected to shoot at stated times. Where there are three shifts working in the same place they usually take about 20 minutes for lunch, sometime during the middle of the shift, and if they shot at lunch time they could get ready to shoot when they go out to lunch, whatever time it is, and as they are supposed to be out about 20 minutes the smoke has time to clear out, or nearly so.

Q. (By Mr. RATCHFORD.) Is it not a fact that when plenty of pure air is in the mines, even if it is mixed with powder smoke, it is not so injurious to the miners?—A. I don't see how you could make it uninjurious in that way.

Q. But when there is an absence of plenty of pure air, and you have the smoke as well, is it not a great deal worse?—A. Yes.

Q. You have got both the absence of pure air and the smoke to contend with?—A. Yes.

Q. Is it not a fact that if you have plenty of pure air the smoke is less injurious to the miner, and will not remain in the mine very long?—A. Certainly; the better the ventilation the quicker it will go.

Q. (By Representative BELL.) Where you have three 8-hour shifts, does one not follow immediately the one on duty stops work?—A. Yes; where there are three shifts they are supposed to relieve each other right at the place where they work.

Q. Then there would be but little opportunity for the smoke to clear away, made by the leaving shift, before the succeeding one entered?—A. Yes.

Q. That makes ventilation doubly necessary, does it not?—A. Yes.

Q. Good ventilation?—A. Yes.

Q. Now, you suggested awhile ago that the 8-hour law did not help the condition. Is it not your judgment that the agitation before the legislature, the approval of the press, etc., has tended toward a better condition and shorter workday, whether we have a law or not?—A. It has possibly worked in that way to influence some; but I was answering that question in regard to the benefit of the people directly affected.

Q. Don't you believe, as the result of the passage of that law and the agitation, that a great deal of mining will be done on the 8-hour workday?—A. I think comparatively little.

Q. Well, we had the manager of one of the great smelters tell us that he will continue three departments out of four on the 8-hour workday. Before, they worked 10 and 12 hours. If he tells us that, you would consider that quite a gain, would you not, for the smelter men—eleven hundred men?—A. Yes; I would consider that a gain. I suppose that is the smelter trust that you refer to.

Q. That was Mr. Newhouse, manager of the Guggenheim smelter at Pueblo.—A. I don't think they will grant the 8 hours unless they are compelled to.

Q. Well, an employee of the smelter trust was examined before us, and he was a furnace man and had been working for 12 hours, and I think he informed us that the management has agreed to put the furnace men, the roasters, and the feeders on 8 hours, but desires to hold the other men on 10 hours. Now, would you not regard that as a direct result of this agitation and sentiment, the condition of the men being thoroughly seen by the community as well as by the employer?—A. No; I would not put it in that way. I would think it was more the result of organized labor.

Q. Organized labor brought about the law itself and the agitation; there is no question about that. But what I was trying to get at is this: There is nothing that so injures a cause as the ignorance of the people generally; they don't understand what a man undergoes who works 12 hours; they never see and never hear about it, and they don't know the conditions. Now, by the agitation, the informing of the people, you get a public sentiment that moves the people and moves the world, and nothing without public sentiment is ever accomplished. As I understand it, even the trust smelters now offer to put three departments on the 8-hour workday, and what I was asking was whether or not that has not been brought about by the agitation of organized labor for an 8-hour law and the contest over it?—A. Yes; I believe that is pretty nearly it.

Q. Are not many of the mines at Ouray and Telluride and all over that country that formerly worked 10 hours now working the 8-hour workday?—A. A few of them are working 8 hours and a few of them have suspended.

Q. As I understand, the large mines around Telluride are now working 8 hours; do you believe they will go back to the 10-hour workday?—A. No; I don't think the miners will stand it.

Q. Don't you believe that is a gain, and that, with the start we have made at the present time, the agitation that brought about the enactment of the law and the discussions on it, and the vote, and the many that started it while the law was in force—don't you think all this is necessarily quite a gain for organized labor and that it will all end in a shorter workday?—A. Well, I don't know. I don't think it will affect that very much. Really, the only benefit that I can see is that a few companies are working 8 hours in the San Juan.

Q. Your camp there practically settled that years ago, so far as the 8-hour law is concerned there, through the efficiency of your organization?—A. Yes; it did, in regard to the mining and mills. Some mechanical work is now 10 and 12 hours in the mills and reduction works.

Q. Is it not the general opinion of the community that this is the better workday?—A. Yes.

Q. And that if you have once inaugurated the improved system there is no probability of a backward step?—A. Well, it would be a very hard proposition to make them work more than 8 hours there.

Q. Whenever a gain is made of that kind you regard it as a permanent gain?—A. Yes.

Q. Now, in speaking of your time check, you stated you could not levy upon the property. I would take it from the face of the time check that the property was being operated under a lease, and that probably the interests of the lessee were thrown into the hands of a receiver and that his lease had expired.—A. It had not expired at that time.

Q. It has expired since, has it not?—A. Yes.

Q. And probably that accounted for the property going back into the hands of the owner and being worked. Now, in speaking of the school system, you believe it would be beneficial to the people generally if a manual-training school was made a part of the school, or the mechanical arts were taught and made a part of the schools?—A. I would not be so much in favor of the manual training as of the mechanical part.

Q. You also think that a phrenologist would be beneficial; that is, you think that the teacher, or some one else, should study the nature of the child in order to properly develop it?—A. Yes.

Q. And you would find the child's natural tendency and develop that, instead of spending your force in trying to develop some very weak capacity that it might have and that would probably never even reach mediocrity?—A. I believe the school child should be given a chance to follow some line or some force that he would be naturally adapted for, and not made to follow that which he would not be adapted for; that he should be given an education in that in which he could be more successful in life and make a better citizen.

Q. In other words you would develop the child that nature made and not try to make a new one?—A. Yes; give him his natural course.

Q. Is it not your judgment that in the general school system of the world, they are trying to make new individuals instead of trying to develop the children that nature made?—A. I think they make a great many artificial ones.

Q. If the child has an easy way in life, by nature, the school-teacher should not only be able to read and write and solve the problems in mathematics, but should know enough to study the child and develop the capacity that nature has given?—A. I believe there should be a teacher or professor in that special line to study the condition, and find out the education each individual child should receive. I don't believe any two of them have a head and brain exactly the same.

Q. If you struck a Jenny Lind, for instance, you would say the musical talent was the thing to develop?—A. Yes.

Q. If you struck an Edison you would say his mechanical powers should be developed; nature had given him that and he should be given the opportunity to pursue it?—A. Yes.

Q. And you would develop that instead of trying to lift up some small capacity that he had and that never could succeed to any great extent?—A. I would.

Q. I take it that you are in favor of developing every great industry by the State?—A. Yes.

Q. Now, we have had a number of witnesses before us who have spoken upon the convict-labor question. They have suggested to us that there are some valleys in the State that are not accessible and that would not invite capital in the ordinary way, and would not employ labor in the ordinary way, but that stockades of the penitentiary could be maintained there about as cheaply as at Canon City, and the convicts could tunnel these mountains and divert the waters into the great valleys and make many homes for the people, and yet not come in competition with free labor in any manner whatever. Would you have any objection to the employment of convict labor in enterprises of that kind?—A. Yes; I would.

Q. What would be your objection?—A. In the first place there are a few thousand men in this State looking for just such jobs as driving tunnels, and a good many of them are hungry, and their families are hungry, and they want such work as that if it is to be done by the State. They want that work to maintain themselves and their families, in preference to the convict. Now, the proposition that arises in my mind, that would be far better for the State and of more credit to the people and to their interests than to do the work by convict labor, would be for the State to do that work and issue State warrants, noninterest bearing, to the individual that does that work, and make those warrants by law acceptable for taxes in the State, and incorporate in the same law a clause that the State shall receive those warrants in payment for such land as the tunnels would water and irrigate.

Q. While that might be a better plan, provided that it could ever be made remunerative, the former witnesses took it for granted that it was such an enterprise that the State would never undertake, and that it was such an enterprise that private capi-

tal would never undertake, and that as we had to maintain the convict anyway, that by using his labor in that way nobody would be injured and that much work would be finally done that otherwise would never be done.—A. I still maintain that it deprives the free labor of a chance to maintain itself.

Q. They say it is something that would not invite capital.—A. Suppose the State would take charge of it. It would not cost the State, under the proposition I made, one cent of money—what we call money. It could by law make these warrants acceptable for taxes. They would necessarily carry that much power, and the people that did the work would very readily accept them for pay. I venture to say that you could get 10,00 men in this State now that would take that kind of a job, and willingly do it.

Q. We have this convict labor on hand; we have to feed and clothe it, and we don't want to bring it into competition with anything that is liable to be done by free labor. Now, why not put it where it will be of help to the masses of the people and where they will get some good of this labor without its competing with free labor?—A. I fail to see any place you can employ convict labor where it will not interfere and come in direct conflict with free labor. I would not be in favor of it until such a time as there was not a free man out of employment who is willing to work. I believe if that work was done by convict labor the charges of the surveying engineers, etc., would cost the State more than it would to hire free labor to do it. There would be so much extra cost and extra expense that it would cost more money than it would to hire free laboring men to do the work. Now, as to the maintaining of the convicts, I find that it is the workingman principally that pays the expenses of maintaining these same convicts that you are talking about. If he rents a building, he pays from 500 to 1,000 per cent. more tax valuation than the man who owns it, so that it is the workingman that the burden falls on instead of the property owner, and when you can do anything to benefit the wage-earner, the man who has not a deed to a certain tract of land, or a house and lot or anything of that kind, then you will benefit the people. When you lighten his taxes you lighten the taxes of the man who pays it direct.

Q. (By Mr. KENNEDY.) I believe it is generally accepted as true that the majority of convicts, if kept in solitary confinement and unemployed, will become insane. Would you subject them to the possibility of becoming insane in addition to incarceration?—A. No; I don't believe in solitary confinement, and I believe it is an unnecessary and unjust arrangement. I think they should be allowed the privileges of moving around and mingling with each other. Classify them, if you see fit, in the building or in the stockade; give them leisure, and give them an opportunity to develop themselves. Don't bury them in the rock pile or in some tunnel and deprive some other man, some free man, of an opportunity to earn a dollar. If a man goes in as a convict, give him a chance to learn something, and give him a chance to enlighten himself. Give him literature of all kinds.

Q. Give him a chance to learn a trade?—A. No; I would not allow him to do any manual labor at all. Let him study and read. I would not put him at any remunerative business. I believe it would be punishment sufficient to keep him confined. I believe it would be more severe than to make him work. Give him a chance to enlighten himself, and then he may be able to see the error of his ways and reform, if it is not too late.

Q. I infer from your testimony that you are in favor of the enactment and enforcement of such immigration legislation as will keep out all illiterate, pauper, and criminal immigrants?—A. Under the present conditions I am.

Q. Do you believe that organized labor generally is in favor of such legislation?—A. Well, I think it is, under the present conditions.

Q. Regardless of whether these members of organized labor are native Americans or naturalized citizens?—A. Well, I think as a class that they look at the immigration question in that way. Of course there are exceptions. Some people will say, throw the gates open and let everybody come.

Q. But the heads of organized labor of the East and middle West, who have been before the commission, say that the foreigners and the sons of foreigners are very decidedly in favor of such restriction. Do you think that if this commission should recommend improved immigration laws, looking to the keeping out of this class of immigrants, that the organized labor of the West would support that legislation and that they would be behind it with their moral influence?—A. They might support it, but they would far rather support the Government ownership of utilities.

Q. It is more probable that there will be a proposition to have such legislation as that than that there will be a proposition for the Government ownership, and in that event you think that organized labor would favor such legislation, do you?—A. Yes.

Q. You spoke about the wages of the miners in this State being about the same as

they were 20 years ago, or probably smaller wages are paid now.—A. I think that they have a downward tendency; I think they are going down a little.

Q. Could you say whether the purchasing price of the wages you get now is greater than the purchasing price of the wages of 20 years ago? Can you buy more flour for a dollar now, and more bacon, more coffee, and more sugar?—A. I guess probably you can. I have paid pretty high prices for bacon in this State.

Q. And you have paid twice the price for sugar that you have to pay now, have you not?—A. I don't know about that. I guess probably it has been higher. Coffee I know has been higher, but how much I can not say.

Q. Is it not a fact that of nearly everything you have to buy you can now get very much more for a dollar than you could 15 or 20 years ago?—A. Well, a good many commodities you can; some you can not.

Q. So that in that respect the wages perhaps are no lower than they were 20 years ago, are they?—A. Well, so far as the purchasing power is concerned, I know they are not very much lower. I don't think they are very much lower; they may be a little. I am speaking of the metalliferous miners. I am not speaking of the coal miners. I think the price paid the coal miners is a whole lot lower than it was 20 years ago or 15 years ago.

Q. You think the workingman of to-day dresses better and enjoys more of the luxuries of life than he did 20 years ago, do you not?—A. No. I don't believe they dress any better, and I don't believe they enjoy any more of the luxuries. I believe they read more and probably think a great deal more. Twenty years ago in this State they could work all the time if they wanted to, and now they are pretty lucky if they get in half the time.

Q. (By Representative BELL.) You think the purchasing price of your wages now is probably greater than it was 20 years ago. Is that not accounted for by reason of the improved methods of production, which have greatly reduced the price of clothing and the price of practically everything you buy?—A. Well, so far as the price of clothing is concerned, I attribute that to the sweat-shop system of the East. I don't know that the consumer gets a great deal of the benefit of the sweat-shop system, but you can make a yard of cloth for about one-fourth of what you could make it for 50 years ago. I don't know as that is the amount exactly, but you can certainly make it cheaper than 50 years ago.

Q. And they can probably make 50 yards of lace now at the same price that they could make 1 for before the great lace machines were put into use; and all kinds of labor-saving machinery has given us an opportunity of buying more for a dollar than ever before. Now, would you say that the laboring man should receive his just proportion of the benefits of all these lower prices of production?—A. I think he should.

Q. You would not want to pay the same price for the things you buy, and at the same time have them reduce your wages; that is, you want a part of the benefits of cheap production?—A. I think we ought to have the benefit of what we produce. If we can produce enough in 1 hour to keep and maintain us a day, I think that 1 hour should be all that we should work, and I think that 1 hour's work should buy the maintenance for that day.

Q. Well, the more improved machinery and improved methods we obtain, the less effort it takes to get the necessaries of life, if they are rightly distributed.—A. Yes, if rightly distributed.

Q. Now, you spoke of your ideas of the Government ownership of the utilities. I understand by that, that you would have the Government own the railroads.—A. Yes.

Q. And you would have the benefits bear upon each individual?—A. Yes.

Q. You would have a man ship 100 pounds as cheaply as he would ship a carload?—A. Yes.

Q. Just the same as one can buy 1 postage stamp just as cheaply as he can buy 100?—A. Yes.

Q. And you would have it so that an individual could ship a sack of ore as cheaply as he could ship a car?—A. Yes.

Q. Do you believe that the individualism of the citizen can ever be maintained until you give an ordinary individual or small producer the same advantage as you do the great producer over the transportation lines?—A. I don't believe you can ever give them that chance so long as the railroad transportation is owned by individual or private concerns. I don't believe that it is possible to stop discrimination by legislation.

Q. Never has succeeded, has it, in any country?—A. Not to my knowledge. I don't believe it is possible to do so. I believe they will find some way to avoid it, and give the big customer the benefit of a rebate in some way.

Q. Does that not destroy the small customers?—A. Yes.

Q. For instance the great rebate given by the railroad companies to the elevators, as disclosed before the Interstate Commerce Commission, would naturally destroy the individual farmers?—A. Yes; he can not compete with them.

Q. He can not ship his grain; it is impossible?—A. Yes.

Q. And what other utilities would you have the State own?—A. Telegraph and telephone lines. I think they should be operated in connection with the postal system. The coal mines of the United States I think should be operated by the Government, and the coal produced and sold at actual cost to the people. Manufacturing in all of its departments I think should be operated by the Government; that is, manufacture the necessary articles for the people to use, and give them to the people at cost. Where cities and towns are unable, for financial reasons, to have electric lights or gas, I think the Government should step in and help them put in electric lights or gas for lighting purposes; also waterworks systems and street railways. I think all such utilities should be owned by the Government.

Q. Have you read of the experiments on street cars and other utilities in the European countries?—A. I have, some of them.

Q. What has been the general success there?—A. They have succeeded in reducing the cost to the patrons.

Q. Have you taken any interest in the government of New Zealand?—A. I have read very little of New Zealand.

Q. Do you know they have a law there whereby the government insures the life of the individual?—A. No, I was not aware of that.

Q. (By Mr. KENNEDY.) Being in favor of the Government ownership of railroads, telephone, and telegraph lines and coal mines, could you say that a line should be drawn against the Government ownership or operation of any industry?—A. No, I don't think I would.

Q. Would you be in favor, then, of the system of government that is outlined in Bellamy's "Looking Backward?"—A. Something on that line. There is another point. The witness that was here before me—I think I heard him say, in speaking of the oil proposition, that oil was 20 cents a gallon. I want to state that in our town it is 25 cents a gallon, and we are about 40 miles from where it is produced; and here in the city of Denver it is 20 cents a gallon, and Denver is probably 150 miles from where it is produced.

Q. (By Representative BELL.) How does the question of coal run?—A. Along the same line; the nearer the mines the higher the price of coal. I pay $5.50, $6, and $7 per ton for coal, and I guess you could buy it here for $3, $4, or $5 at the outside.

Q. Is that quite a common thing in railroad transportation?—A. Yes; I believe it is.

Q. That they often charge more to stop than they do to go on?—A. Yes.

Q. For instance, if you started to ship a car of cattle from here to Grand Junction they would charge you a higher price than if you went on through to Utah?—A. Well, I don't know about cattle. I am not posted on that; but speaking of that oil proposition, and the general system of it, that has a tendency to show that there is discrimination somewhere. They could not haul it 150 miles and sell it cheaper than they could haul it 40 miles and sell it.

Q. Is it not a fact that many goods are brought from Liverpool here cheaper than from New York here?—A. I don't know about that. I think that the Government should establish postal savings banks. I think it would be beneficial to the people, in place of intrusting what they might be able to save in the hands of the individual. I think there should be a general law passed in the United States to tax the corporations to the full limit of their valuation; that is, whatever they are stocked for.

Q. You think that would have a tendency to keep out watered stock, do you?—A. Yes.

Q. And that would be your remedy for squeezing the water out of the stock?-A. Yes.

Q. (By Mr. KENNEDY.) Are you in favor of taxing their franchise value?—A. Yes, for the full valuation, whatever it may be stocked for. A street-car franchise that is stocked for $2,000,000 I would tax at two millions; put the taxable valuation at two millions, or whatever it is stocked for.

Q. Would you be in favor, then, of having the Colorado legislature pass a law similar to the Ford bill, which the New York legislature adopted?—A. If necessary I would be in favor of a law to be passed whenever and wherever it would be necessary to tax corporations and their franchises in that way.

Q. You can tax their franchises in this State now without additional legislation, can you not?—A. I don't believe we can.

DENVER, COLO., *July 18, 1899.*

TESTIMONY OF MR. JAMES DOYLE.

Mine operator, Victor, Colo.

At the afternoon session of the subcommission on mining, July 18, 1899, Denver, Colo., Chairman Bell presiding, Mr. James Doyle, of Victor, Colo., being duly sworn, testified as follows:

Q. (By Representative BELL.) What is your residence?—A. Victor, Colo.

Q. How long have you resided there?—A. Since the 24th day of December, 1891.

Q. What has been your business during that time?—A. Mining operator.

Q. What mines have you worked?—A. The Portland, Professor Grubbs, Bobtail, and Bobtail Nos. 2 and 3, Devil's Own, Tidal Wave, Uintah Tunnel, Providence, Reform, Gold Sovereign, Juanita, Bennie, and Daphne.

Q. Were any of these mines producers of shipping ore?—A. The Portland was the largest, and it is included in The Portland Gold Mining Company.

Q. Did you ship a great deal of ore from that mine when you were connected with it?—A. The greatest tonnage from the Cripple Creek district.

Q. That was from the Portland?—A. Yes, of any mine within the district.

Q. Where did you ship your ore generally?—A. The first ore that was shipped was shipped to The Pueblo Smelting and Refining Company in Pueblo.

Q. You shipped it over the railroad lines of the State?—A. Yes.

Q. Did you have any contract with the railroads, or pay the regular rate?—A. Paid the regular rate.

Q. Do the railroads entering Cripple Creek have a published schedule of rates posted so anybody can look at it?—A. Yes.

Q. And you paid that rate?—A. We did.

Q. Do you know whether others generally paid the same rate?—A. Yes; they all paid the same rate.

Q. There were other mines shipping at the same time you were?—A. Yes.

Q. Many of them?—A. Yes; a great many.

Q. Do you know whether the mines, all of them that were not connected with your group, paid the same rate that you did?—A. I think they all paid the same rate.

Q. Did you ever know of any system of rebates in that district?—A. Yes.

Q. Now will you state in your own way the complete story embracing the entire condition.—A. When the Portland mine became developed and became a regular shipper in 1893, 1894, 1895, and 1896, there were two lines of railroads in the Cripple Creek mining district, both accessible; one, the Florence and Cripple Creek, and the other The Midland Terminal, all the ores of the Portland Gold Mining Company going over the Midland Terminal and connecting lines, and therefore none going over the Florence and Cripple Creek. The manager, or, in other words, the president and superintendent of the other road, the Florence and Cripple Creek, endeavored to make some arrangements whereby they could get a part of the ore that was being produced, or a portion thereof, one-half to one road and one-half to the other road, and called quite frequently at the Portland Gold Mining Company's office. Myself and the manager, John Harnan, wished to send some ore over both roads, or in other words give an equal amount to the Midland Terminal and the Florence and Cripple Creek. We were both officers and directors of the Portland Company. We were unable, being two out of five directors, to get any ore shipped over the Florence and Cripple Creek road. It was brought np before the directors' meeting, but the ore still continued to be shipped over the Midland Terminal Railroad. The bringing of the matter before the board of directors, requesting part of the shipments over other railroads than those over which it was going, brought to my knowledge the fact that rebates were being paid by the Midland Terminal Railroad.

Q. Do you know the amount of rebates?—A. I should judge that for the year 1896, on all the ore that was shipped over the Midland Terminal Railroad and to the Omaha and Grant Works in Denver, a rebate of $1.50 per ton was given on every ton of ore. That is the only way I know that rebates were paid.

Q. Can you approximate about the amount?—A. I judge 50 or 60 thousand dollars.

Q. Did you receive any rebates in 1896?—A. Yes.

Q. Were there any reasons given to you why you should receive a smaller rate of freight than your neighbors?—A. No. When the road was new it was in debt. It had practically been built by the money derived from bonds that were placed in New York and in New Jersey, and the shipment of 100 tons of ore per day over that road would mean the earning of considerable money to it if they could insure the constant shipment of the entire output of the mine.

Q. Do you know what the Independence mine paid for the same freight?—A They paid the same rate we paid.

Q. Did you hear that in talking with the management?—A. Mr. Stratton was a director and officer of the Portland Gold Mining Company, owning one-sixth of the stock, and I had a conversation with him as to the rebates that were being paid to the president of the Portland Gold Mining Company, and received by him and not turned into the treasury of the company. He looked the matter of rebates up and he told me that the Independence was receiving the same rebate, and he also told me that he had conversations with the owners of the large mines in the Cripple Creek district and they told him that all companies were receiving rebates. The reason he told me that was that the president had kept the 60 or 70 thousand dollars he had received in rebates, and had not turned the money into the treasury, and that all rebates received by the other mines were turned into the company in the regular manner.

Q. Your rebates were turned in as a part of the general fund of your company?—A. No; there was not a dollar, to my knowledge, turned into the company.

Q. They were received by the president?—A. Yes.

Q. Do you know whether the small individual miners, owners or lessees, in that district, get a rebate?—A. I don't think they do.

Q. It was only those miners which made a great production that received rebates?—A. Yes.

Q. How do the Portland and the Independence rank; as among the best mines in the State?—A. They are considered the best mines in the State.

Q. Were there any reasons why it was necessary that the owners of these mines should have these rebates to encourage them to develop their properties?—A. No; both mines paid from grass roots.

Q. You would have done the same development work and made the same production if you had paid the regular freight rate?—A. Yes.

Q. And it was not necessary in order to induce the production?—A. No.

Q. Was your company and the Independence company more able to stand the regular freight rate than the ordinary smaller mine in that district?—A. Yes.

Q. Do you think that was a just discrimination, or an unjust one?—A. I think it was an unjust one, so much so that I reported it to the board of directors of the Portland Gold Mining Company.

Q. And the members favored the idea that they should secure a discrimination?—A. Filed written charges, that are on file now in the office of the Portland Gold Mining Company.

Q. What action, if any, was taken on those charges?—A. The entire legal force of the company was brought into consultation, and Mr. Harnan and myself, through my attorney (Scott Ashton, at Victor), prepared a petition for a receiver of the mine, to be presented to the United States court, but it was never filed; Mr. Harnan admitting with me, in writing, that rebates to the amount of $1.50 on each ton of ore were being received.

Q. You understand, do you not, that, legally speaking, a railroad is a quasi-public institution?—A. They are supposed to be.

Q. And that under the law of eminent domain private property can be taken upon which to build a railroad only upon the theory that it is for the equal benefit of all?—A. No, I don't understand it in that way. I presume that is the law, but that is not the way they do. That is not the way they did on the Portland property.

Q. They took it without proceeding under the law of eminent domain, did they?—A. With shotguns.

Q. Well, you understand the law to be that if a company desires to build a railroad and a private owner of property objects to the company going over that property, the road files a petition in court?—A. Yes.

Q. Stating that it is a public institution and that it is necessary for the benefit of the public to have that land over which to run a railroad. The court then estimates the damages to the land by reason of the railroad crossing it, and then, upon payment of that by the railroad company, enjoins the owner of the land from interfering?—A. Yes, that is the usual way.

Q. That is the general method of securing a right of way for a public road?—A. Yes.

Q. Now, conceding that, do you believe that the benefits of this public institution should bear equally upon every citizen, whether he be rich or poor, great or small?—A. I do.

Q. Do you believe that the individualism or equal rights of our people can be maintained at all without this great institution is made to give its benefits equally to all the people?—A. No.

Q. Now, with your experience, what would be your suggestion as to a method of restraining these public institutions from making these discriminations?—A. I think the laws, if we have any to that effect should be enforced most rigidly.

Q. And if we have no such laws, that we should have them?—A. Yes.

Q. Is there anything else that you think of that would enlighten the commission connected with the discrimination in freight rates in your mining camp or elsewhere?—A. I don't know anything of discrimination outside of that camp. I do know that they do discriminate in that camp.

Q. And the discrimination is in favor of those best able to pay the freights?—A. Yes.

Q. Is it not your understanding that that is where the discrimination always goes?—A. I have always observed it in that way.

Q. That is, that the burdens are taken off of those who are most powerful and most able to bear them, and placed on those who are least able to bear them?—A. That is my observation of it.

Q. (By Mr. RATCHFORD.) Are we to understand that the rebates received by your mine, 50 or 60 thousand dollars, as you have stated, were not distributed among the stockholders of your company?—A. Yes; it was; it was divided among the directors.

Q. It was divided among the directors?—A. Yes.

Q. You were one of the directors?—A. One thousand dollars is what the president gave me; that is how I know we received the rebates; that is why I brought the matter to the attention of the board of directors.

Q. How many directors did your company have?—A. Five.

Q. And 2 of those directors were in favor of dividing the shipment of their ores between different railroads?—A. Two of the directors knew nothing about it. That is why I brought it to the attention of the board.

Q. I understood you to state at the beginning that 2 of the directors favored the division of the shipments between two different lines of road?—A. Yes; that was Mr. Harnan and myself.

Q. Three on the other side against you?—A. Yes.

Q. The president being among the three, was he?—A. Yes.

Q. Have you any reason to believe that the 3 directors who were opposed to that plan, opposed it because of the rebates?—A. No.

Q. There was no division of money up to that time?—A. No.

Q. Do you believe that such division would have been made if the matter went along smoothly and without any question arising?—A. No. I believe the smelters pay rebates.

Q. Then to put the question plainly, was not the plan, so far as it relates to rebates, carried on in the interest of those 3 directors exclusively?—A. No; I think it was carried on in the interest of the president of the Midland Terminal road, with the others. H. Collbran was the president of the road.

Q. With the other three directors of your company?—A. I think it was carried on in the interest of the road as much as in the interest of the directors.

Q. It was evidently calculated to be in the interest of the railroad so far as the railroad received the freight?—A. I think Collbran entered into the arrangement.

Q. Was the amount received, in your opinion, kept by the president or divided between himself and the other two directors?—A. No; I think he kept it.

Q. You think he kept it himself?—A. Yes. I learned from Mr. Stratton that the account was known as the culvert account, from which the rebates were paid.

Q. This was the Midland Terminal road that was paying the rebates?—A. Yes.

Q. You have given the name of the president of the road?—A. Yes.

Q. Your ore was shipped at that time to Pueblo?—A. Denver.

Q. What is the distance from your mines to Denver?—A. To Denver, let me see—it is 32 miles from Victor to Divide and about an equal distance, 32 miles, from Divide to Colorado Springs, and about 74 miles from Colorado Springs to Denver.

Q. The shortest haul then being about 32 miles, and the longest 74 miles?—A. It goes over three lines of railroad; 32 miles over the Midland Terminal, 32 miles over the Colorado Midland, and 74 miles over the Atchison, Topeka and Santa Fe.

Q. That would be in all about 140 miles?—A. That is the entire distance.

Q. What was the rate per ton from the mine?—A. Approximately $5 per ton.

Q. Was that not an extremely high rate?—A. It is the same rate now as it was then. We hauled by wagons the first shipment ever made from the district—25 miles by wagon and the remaining distance by rail, at the same rate we pay now, when we load it into the cars at the mine.

Q. When you hauled by wagons was the cost borne by the railroad company or by you?—A. By the railroad company.

Q. Have you a law in your State preventing such rebates or discrimination?—A. I don't know. I think we have.

Q. Has there been no effort made to punish violators at any time?—A. I think that men here in Denver have taken the matter up—manufacturers here in Denver.

George Kindall, a manufacturer of mattresses, took the matter up with the Interstate Commerce Commission.

Q. It has been brought to the notice of the Interstate Commerce Commission?—A. Yes.

Q. With what result?—A. The usual.

Q. What is that?—A. Nothing accomplished. The bookkeeper of the Independence mine adjoining the Portland told me and another director of the Portland company that the Independence ore is treated for $2.85, or was then, at that time, less than the Portland ore was, and that, in his opinion, the Omaha and Grant rebated $2.85. I think they now rebate $1.85 per ton.

Q. That is to say, the Grant company is receiving that?—A. No; the Portland company receives it from the Grant company.

Q. For every ton of ore purchased by the Grant company?—A. That is what the bookkeeper, Mr. Grant, of the Independence, stated to me and other directors of the Portland company.

Q. Do you know of any other instances in which rebates were paid or discriminations practiced?—A. I don't, only what Mr. Stratton told me—that on his investigation he found every mine he was connected with was receiving rebates.

Q. Is Mr. Stratton a large producer?—A. The largest individual producer in the Cripple Creek mining district at that time.

Q. What, in your opinion, causes the vast discrimination in favor of the larger producer; is it because of the excessive amount of material shipped?—A. I presume so. I never did any inside business, so that I am not in a position to say why they do it.

Q. As a matter of belief, do you believe that practice is generally carried out; systematically carried out?—A. I believe there are men living on rebates; they don't make a dollar in the business, but live by the rebates.

Q. Do you believe it enters into other branches of business besides the shipping of ore?—A. All branches; everybody gets it. I think there are merchants in Denver to-day selling goods who don't make a dollar on the goods, but live off of the rebates.

Q. What would you suggest as a means of preventing that practice?—A. Government ownership of railroads.

Q. Can you conceive of any way in which a small individual producer can possibly exist under such practices?—A. No.

Q. He is virtually forced to the wall, is he?—A. He is. It is a serious matter with him.

Q. Is there at any time discrimination practiced in the distribution of shipping facilities, cars, etc., that you have noticed?—A. There is.

Q. Who was favored by that practice?—A. The larger shipper.

Q. You have seen that yourself, have you?—A. Yes.

Q. (By Representative BELL.) What proportion of the ore from Cripple Creek was shipped in 1896 from the Independence, Portland, and other mines that had the rebate?—A. I can not say as to other mines—the Portland only—nearly all ore from the Portland.

Q. What proportion did that bear to the whole shipment from Cripple Creek?—A. Ninety per cent of the ore that could be shipped was shipped to Denver where the freight rate was $5, because the rebate to the shipper netted more than did the value of the ore.

Q. Suppose the smaller shippers had gotten their proportion of the money that your company and the Independence company got as rebates, would it not have reduced their freight at least $1 per ton?—A. It would have increased the production of the camp quite considerably.

Q. Often $1 measures the difference between failure and success?—A. It does often; yes. It is the case in many instances in mining.

Q. You realize that of that $1.50 that was awarded to your company and to the Independence Company a just proportion of it was really due to the other shippers?—A. I do.

Q. They had the right to the same rate?—A. Yes.

Q. (By Mr. KENNEDY.) You say the fact that the Portland company was receiving rebates came as a matter of surprise to you?—A. It did.

Q. Then you filed a protest against it?—A. I did.

Q. After they had given you $1,000?—A. I did; with a fellow-director, John Harnan.

Q. There were 5 directors, you say, in the company?—A. Yes.

Q. Those rebates were divided among the 5 directors?—A. I did not say that. I don't know. We tried to bring it up in the company to find out where it was distributed. We knew the company didn't get it, nor the shareholders of the company.

Q. Have you any idea why they gave you such a small amount of it?—A. That

was only my proportion in one month. That was for that month. The railroads must have paid $5,000.

Q. The time for which rebates were paid, so far as you have correct knowledge, would show just 1 year?—A. No; I think rebates are being paid this moment.

Q. But as to your knowledge; your knowledge covers a period of 1 year?—A. My personal knowledge of it. I have it from other concerns; men who are shipping and in charge of the shipments of mines where rebates are now being paid.

Q. Have you any documents or correspondence which you could place in the hands of the commission which would be corroborative of your testimony?—A. Not in my possession. I am at present in jail. I have them in Victor. You might have all these men whose names I have mentioned, the bookkeeper of the Portland Gold Mining Company, Mr. Harnan, J. H. Waters, superintendent of the Midland Terminal, and a dozen people, to substantiate what I say, if they were subpœnaed.

Q. You are operating mines and shipping now over the railroads?—A. I am not shipping at the present time.

Q. You would be shipping if the smelters were not shut down?—A. No; I would be shipping if I was at liberty. I am not personally operating my properties. I have properties now being worked, but it is principally the development work.

Q. Are the parties operating them shipping ore over the railroads?—A. No.

Q. Were they previously to the shutting down of the smelters?—A. Yes.

Q. Do you know whether they were receiving rebates?—A. No.

Q. Had they been offered any rebates?—A. No.

Q. Do you suppose your protest against the practice of rebates is used against you in an invidious way in the shipment of ores?—A. No.

Q. (By Representative BELL.) I understand that you do not desire the best of your neighbor in the use of this public institution?—A. No. I will take an equal chance at all times.

Q. (By Mr. RATCHFORD.) Some of the gentlemen whose names you have mentioned stated before this commission that there was no discrimination in freights to their knowledge?—A. I think Mr. Grant of the Omaha and Grant smelter is to-day paying rebates on the ores that are shipped to his smelters.

Q. I understand you to refer to Mr. Grant who is at the head of this smelter trust?—A. Yes.

Q. The other Mr. Grant you refer to, is who?—A. Bookkeeper at Victor, Colo.

Q. And what relation has he to the rebates?—A. He is the bookkeeper at the Independence mine and knows of the rebates, I presume, not only from railroads but from smelters also.

Q. Is there anything else, any other subject you care to speak of that is pertinent to this investigation?—A. As to the protection of men in the mines, I have had some experience with that.

Q. We would be glad to hear you on any subject that is pertinent to this investigation, and that is certainly so.—A. Most of the mines in the Cripple Creek mining district have a blanket-insurance policy usually taken out in some English or German insurance company, and every man pays $1 per month and that dollar is deducted from his pay, and oftentimes when he is killed—they average, perhaps, 1 a day, in one manner or another in the Cripple Creek district—the insurance company settles with the widow and refunds them whatever sum they can, the policy, however, granting them $5,000.

Q. You say the insurance company settles with the widow and refunds her whatever sum they can?—A. Yes.

Q. Do you know of any case in which the sum for which the deceased was insured was refused by the company?—A. The company usually makes the settlement after it has had a suit in court.

Q. The insurance company?—A. Yes.

Q. Does the mining company make the connection of the employee with the insurance company one of the conditions of his employment? Do the men have the exercise of their own discretion as to whether they will insure in the company?—A. No. The mining company takes a policy and then takes $1 a month from the wages of the employee.

Q. Then it is obligatory for the employee to be connected with the insurance company?—A. Yes.

Q. If he has any employment?—A. He can not refuse; the dollar is deducted.

Q. And he has no alternative but to pay it?—A. I have always understood it in that way. Some action should be taken by some one. The courts are somewhat slow.

Q. What notice do the employees receive as to these rules?—A. They have printed rules and regulations posted upon the walls of the shaft houses in conspicuous places.

Q. The posting of these notices in conspicuous places is taken to mean that the men who apply for work are expected to take into consideration the conditions of these notices?—A. I presume that is what they are posted there for.

Q. What have you to say as to the sanitary and personal safety laws?—A. I think the sanitary and personal safety laws need enforcement.

Q. Do you think the present code of laws sufficient in that respect?—A. Yes; if they were enforced.

Q. Mine-inspection laws; what have you to say about them?—A. The mine-inspection laws amount to nothing, and no mine is inspected until after an accident, and what becomes of the inspection I have never been able to learn.

Q. Do you believe the present force of inspectors is sufficient to meet the requirements of the law?—A. I do not. I don't think some of the mine operators would comply with the law unless compelled to do so.

Q. At the present time there is no penalty, is there?—A. I can not say as to that.

Q. (By Mr. KENNEDY.) As a stockholder and director of the Portland, are you in favor of having such sanitary and personal-safety arrangements made in your mines as would render inspection unnecessary?—A. Yes.

Q. Do you succeed in having it done?—A. Partially.

Q. Do you meet opposition on the part of other directors?—A. Yes.

Q. And it was not carried out to such an extent as to render inspection unnecessary?—A. They don't like to incur any such necessary expense, even for the protection of life.

Q. (By Mr. RATCHFORD.) As one who has had much experience, how often do you believe these mines should be inspected?—A. Once every 30 days.

Q. How often were your mines inspected and examined?—A. After we had killed some one.

Q. The employer, in case of accident resulting in the death of the miner, is freed from liability by these insurance companies, is he?—A. Yes.

Q. The insurance company assuming all the risk?—A. Yes.

Q. What would you suggest as a means of providing for greater safety, making the mining inspection department of the State more efficient?—A. The rigid enforcement of our present laws.

Q. Do you wish to submit to the commission in writing any supplementary evidence or documents that you may have at home bearing upon the question of transportation or any other subject we have dealt with?—A. I have not them fully enough, so that I don't think they would give the commission much more enlightenment than I have given it verbally.

Q. (By Representative BELL.) You stated that when the railroad came to pass over the Portland grounds in building its line it did not even resort to the law of eminent domain, but took forcible possession?—A. Yes.

Q. And it held that possession until it buil' its road?—A. It had a suit in court and afterwards compromised.

Q. In its suit in court it contended that it was necessary because it was a public institution?—A. Yes.

Q. And upon that theory it went over your ground?—A. Yes; that would be the reason the court would permit them to do so.

Q. Because it was for the benefit of the public?—A. Yes.

DENVER, COLO., *July 19, 1899.*

TESTIMONY OF HON. N. P. HILL,

Smelter operator and oil refiner, Denver, Colo.

The subcommission on mining met at 10 a. m., in Denver, Colo., Chairman Bell presiding. Hon. N. P. Hill, of Denver, Colo., was sworn and testified as follows:

Q. (By Representative BELL.) Please state your name, residence, and business?—A. My name is Nathaniel P. Hill; residence, Denver, Colo.; my business is the management of several companies here—smelting business, oil business, newspaper, and oil lands.

Q. How long have you been engaged in mining, smelting, and kindred vocations?—A. Well, I commenced smelting and refining in 1867—thirty-two years ago.

Q. You have had some experience, have you not, in studying the business?—A. I went abroad for a part of 2 winters—that was a good while ago; it was in 1865 and 1866—to investigate the conditions of the business in Europe.

Q. I suppose you know something about mining also?—A. I am but little concerned in mining; practically not in the business at all.

Q. How does the business of smelting and reducing ores, as to efficiency and methods, compare with 20 years ago?—A. There have been great improvements in the last 20 years. Very great economies have been effected. Then there has been a cheapening of material. When we first erected our smelting works in Blackhawk, we paid for the fire bricks that went into the construction $1 apiece, and the iron that entered into the construction cost 23 cents a pound.

Q. How was labor at that time; was it higher or lower than it is at the present time?—A. Fully double what it is now; more than that, I think.

Q. Then, as I understand you, at the present time all of the elements that enter into the smelting and refining of ores have been greatly reduced?—A. Yes.

Q. How does that affect the mining industry?—A. Well, it has enabled the smelter companies to pay a much higher price for ores than would have been possible a few years ago.

Q. And I suppose has greatly increased the profit?—A. Yes.

Q. What would you say as to the mining industry now; is it prosperous or otherwise?—A. I think it might be said to be prosperous, although there are always a large number of mines that can not pay the actual cost of working them.

Q. Those that are being worked pay?—A. Yes; or are being worked with the expectation that they will strike better ore.

Q. And a great deal of money expended in mining is lost or spent on property, where it is never realized?—A. Yes, that is true in very many cases.

Q. What would you say as to the capital expended in mining, or the kindred business of smelting; what are the earnings of capital invested in mining and smelting as compared with banking, real estate, railroading, and general mercantile business, speaking of it in general terms?—A. Putting those matters together makes it somewhat difficult to answer your question. In mining, it is a question entirely of the mine—the character of the mine and the richness of the ore. One mine will make enormous profits selling its ore at the same price at which another mine loses money in selling. The smelting business is, of course, on a different basis. Where it is in connection with mining it is a matter of fixing a price which shall be paid for the ore.

Q. So as to yield a reasonable profit?—A. Yes.

Q. For smelting?—A. Yes. The profit in the smelting business for several years past, so far as my knowledge in our own business goes, and my observation of the others, has been on a very close basis.

Q. The competition has been sharp?—A. Yes, and a large portion of the ore that has been handled is low-grade ore, on which a price has to be made on the basis of inducing the miners to take out the ore. Now for a number of years we have been buying ores from Aspen at a price that really leaves us no margin for profits. Not because that somewhere else they desired these ores at the same or a higher price, but because the miners could not take it out and sell it for any less.

Q. I suppose that induces the development of the mines also, and gives you a better prospect for the future?—A. Yes, if the ores improve. It has not been the policy of the smelters to put a price on ore that would close down a large number of low-grade mines in the State. There has been capacity here in Colorado for a number of years for treating more ore than was supplied.

Q. And I suppose they adopt the general policy of encouraging the development of the mines?—A. To a very great extent I think that policy has been maintained in this State.

Q. What would you say as to the general success in the mining industry in this State, where the men use good judgment and are experienced in mining?—A. Well I think the chances for carrying on a profitable business are as good in that line as in any other.

Q. It compares favorably with other lines of business?—A. I think so.

Q. And it is not a mere gamble?—A. No.

Q. Have you had any restrictive legislation on capital employed in mining that has had a tendency to retard the development of mines, either congressional or by the State legislature?—A. Not so far as I know. The 8-hour law is not now any discrimination, I suppose, as it has been declared unconstitutional.

Q. I believe you operate the Argo smelter?—A. Yes.

Q. Have you been operating under the 8-hour workday in some of your departments?—A. Yes, since the law went into effect.

Q. You complied with the law so long as it was in force?—A. Strictly, yes.

Q. Do you find that the 8-hour law serves the purposes of the smelters?—A. We have been working, since the law went into effect, on a temporary arrangement. We submitted the question to our employees as to whether they would prefer to

keep the works running and be paid proportionately to the hours they worked during the pendency of the question as to the validity of the law, or whether they would prefer to have the works closed; and I believe, with one exception, the men preferred to go on. It was with the understanding that if the law was sustained we would make some fair and reasonable arrangement with our men, but that this should only be temporary. My belief is that the men at Argo would prefer to work the same hours they did before and at the same wages, rather than reduce the time with any reduction of wages.

Q. Have you had any complaints from furnace men, roasters, or feeders, as to the long hours; I believe they work 12 hours, don't they?—A. We have a class of men that work 12 hours, but it should be said that the 12-hour men don't work at actual labor 12 hours. The nature of their occupation is such that they perform a certain amount of work, and then have quite a period of rest. They rest between operations, in other words. My belief is that our 12-hour men don't actually labor for more than 6 hours, and they never leave the works tired or exhausted; they are always fresh. They never undertake to perform more labor than they can do without injury or discomfort. I can mention an instance of a man who worked with us for about 20 years on the 12-hour shift, working alternately every other month at night and every other month in the daytime, and losing less than 1 day per year on an average for 20 years. He was known as a skimmer, and if there is any unhealthy place about our establishment it would be that, more than any other. If there are any fumes, that is where they would be. Now, he left the establishment on account of age, but having accumulated about $25,000 he felt that he could live the rest of his life without labor, and he left the establishment a good, healthy, strong man.

Q. Could you approximate about the average number of days per month that your roasters, feeders, and furnacemen put in during the year?—A. Practically every day. The amount of time any of them lose is so small as to be entirely unworthy of notice You are aware that we don't use lead ores.

Q. There is no lead in your plant?—A. No.

Q. Do you have copper?—A. Our plan is to concentrate the value of the ore, gold and silver, into copper, and not as the other smelters do, into lead.

Q. Is the use of copper less detrimental to health than the use of lead because of the fumes?—A. There is no injurious effect from working in copper works. There are not what you could call unhealthy fumes. I could easily say that the men who have been employed at Argo are as healthy as men employed in any other capacity—that is, I mean to say, we don't know what it is to have sick men. They work constantly and are always well.

Q. I take it from your furnaces running constantly and your furnace men, roasters, and feeders having to be present all the time, that your work there would have to be in 12-hour shifts or 8-hour shifts, one of the two?—A. Yes.

Q. You could not make a 10-hour shift?—A. No.

Q. And it is your understanding that your men have never made any particular clamor for the shorter shift?—A. We never have had a strike since we have been in the business, and I am sure that for 20 years we have never had a complaint of any kind from the employees either as to wages or the hours of work or anything else. The truth is, a large proportion of the employees in the works are looking forward to promotion. They want the advantage of the higher priced shifts, the higher priced labor, and we make it a rule of always advancing the men we have to a higher priced position in preference to taking in outsiders. There is hardly a 10-hour man in the establishment who is not hoping that he can get on the 12-hour shift, simply because the pay is better.

Q. Then you pay proportionately to the length of hours?—A. Well, of course we do, practically. We pay for long hours and for skill. Most of our 12-hour men are what you would call skilled laborers, and they get more in proportion than would be paid to an unskilled laborer.

Q. Would you have any objection to stating your wage scale for the 12-hour men?—A. Well, we had no men before the 8-hour law went into effect who got less than $1.75 per day, and that was for what is called common labor. From that up we had almost every price; from $1.75 per day to $4.50 per day; there were men getting $2.75, $3, $3.25, $3.50, etc., up to $4.50.

Q. Were they classified?—A. Yes; into certain lines of work.

Q. Certain classes of work got $4.50, $3.50, etc?—A. Yes; classified in that way, based largely on the amount of skill that was required to do the work.

Q. When you changed to the 8-hour system what was the reduction?—A. As I have stated, we asked the men if they wished to work on the 8-hour system and be paid proportionately to the time, as a temporary arrangement, and to continue only until the question of the validity of the law was settled.

Q. Did you estimate an exact proportion of wages?—A. Yes; very nearly. We had to modify it a little, but practically the exact proportion.

Q. Where there was a modification was there a rise or fall?—A. Rise.

Q. Have you any means by which you could give an approximate estimate of the proportion of labor and capital employed in the mining and smelting industry?—A. I don't know exactly what the question means.

Q. I would imagine, according to the plan of inquiry, the proportion of capital to the value of the wage paid?—A. We employ now in our works—of course our business is not nearly so extensive as it was at one time, and we don't pay as large a price as we did a few years ago, but we are now employing in the business of the company about $1,000,000. Our nominal capital is $750,000 now, but we use more than that. We actually employ about a million dollars. I don't know that I could draw a comparison between the capital employed and the labor employed.

Q. Yours is an incorporated company is it not?—A. Yes.

Q. I would understand from that that your capital employed and in actual use is more than the capitalization of your plant, really?—A. Yes.

Q. Then you have nothing known in common parlance as watered stock?—A. Not to the extent of a dollar; no.

Q. You are somewhat familiar with the class of stock designated as watered stock, are you not?—A. Oh, yes.

Q. What is your judgment as to the public policy of permitting an over capitalization of an artificial person or corporation created by statute, or the so-called watered stock in companies generally?—A. Well, it seems to me that the question has more to do with the stock-dealing part of it—with the sale of stock—than with the question of production. I have heard it said that if a company waters its stock and makes the capital very much larger than the actual capital, the people have to pay interest on that watered stock. There is a good deal of humbug about that. We will take, for instance, some of our local companies here in Denver. There is the Tramway Company; I don't know to what extent it may have issued stock beyond the amount paid for it at full par value; but it does not concern the people here very much whether they issue a large amount or a small amount. They are limited to a 5-cent fare, they are very liberal in giving transfers, and are maintaining an excellent service, and there is no question, no disposition at all on the part of the company, so far as anybody knows, to change any of these matters. They certainly can not raise the fare. Now, what difference it makes to the man who rides in the car and pays his fare as to whether the nominal stock is a million or ten million, I don't see.

Q. Suppose we take a corporation, a transportation company, that issues stock to an extent of 3 or 4 times the actual cost of building and construction; are they not liable, after issuing that stock, to endeavor to fix a rate to make it pay a dividend on the entire stock?—A. I think so; yes. I think the tendency would be to lead the management of the company to make greater efforts to increase the income for the purpose of paying dividends on the watered stock. I think that would be the general effect of it.

Q. Have you any suggestions that you could make to the commission as to legislation that would be desirable to limit the power of overcapitalization?—A. I don't know that I have. It would be very difficult, I think, to legislate in such a way as to prevent it. I always used to think it was a matter that would regulate itself; that competition in business would regulate the practice and adjust it to what was fair and reasonable.

Q. We have in this State some short lines of railroad on which it is alleged that the capitalization is 3 or 4 times the actual cost of construction, and where there are no competing lines would not the public be at the mercy of the company up to the time that competition might come in, if ever? For instance, take the Denver and Rio Grande Southern; there is a road from Ridgway to Durango, without any competition and with probably the highest rate in the State?—A. Well, the people are subject to that rate, whether the capitalization is too large or not; whether the capitalization is excessive or not. They have the power to impose such rates as they may think for the best interest of the company in any case where there is no competition.

Q. Well, after they have put the stock on the market, issued at about 4 times the cost of the line, would not the stockholders in all probability insist upon a higher rate in order that there might be a reasonable dividend on the entire amount of stock issued; would that not be an incentive?—A. As I have said before I think the tendency would be decidedly in that direction—that is, that there would be a pressure upon the management of the company to make the earnings larger on account of the desirability of paying dividends on the stock, watered or unwatered.

Q. Now, passing to question 47, is there any discrimination in your State that you are aware of in the way of excessive taxation of the mining industry, or in favor of it?—A. I think not.

Q. The mining industry and the smelting industry are reasonably satisfied with their tax laws?—A. Yes.

Q. And you have no suggestions for any change in them?—A. No.

Q. Do you know of any discrimination in freight rates affecting the mining or smelting industry by railroad companies?—A. If there are discriminations made it is naturally to be supposed that they would be difficult to ascertain. If a railroad company makes a discriminating rate, both the company and the party who receives the benefit of it will be very careful not to have it known. However, while I have many times had suspicions that there were discriminations made—very unfair and unreasonable discriminations made—it is very seldom that I have ever had any positive proof of it. We have never asked to have any discriminations made in our favor in the smelting business. We have often asked for reduced rates on low-grade ores, but have never asked to have these reduced rates made exclusively to us.

Q. Your desire for a reduced rate on low-grade ores would apply to that grade of ores by whoever they might be purchased or produced?—A. Apply to everyone. It would be for no special person or locality. We have in a good many instances had our request granted by showing the railroad company that the freight charges were so high on the low-grade ores that they could not be shipped; and, as I say, while in a great many instances reductions have been granted, we have no reason to believe that they were not open to everybody.

Q. You would regard that as legitimate and beneficial?—A. Perfectly so.

Q. Have you known of any discriminations on the part of the railroads against localities in your State, or against any particular industries?—A. I can not say that I have.

Q. Do you believe in railroad discrimination?—A. No; I am strongly opposed to it.

Q. You believe that a public institution like a railroad should allow its benefits to bear equally upon all citizens?—A. Yes.

Q. Do you know of any closing of mines in the State recently; if so, were they closed by reason of natural or artificial causes?—A. I know in a general way only that since a number of the smelters in the State have shut down a good many mines have also closed.

Q. Do you know the reason of the closing of the smelters?—A. Only so far as it is generally known by the public.

Q. Caused by the 8-hour law?—Yes; entirely by the 8-hour law.

Q. Did the same cause not operate on your works the same as on those that closed?—A. Well, I have stated already just what position the company took with its men and what the men decided to do.

Q. Are your men organized into what is known as the Smeltermen's Union?—A. We have never placed any restrictions upon our men in that way, and have made it a rule never to inquire when a man was seeking work whether he was a union man or nonunion man.

Q. Then you have no objection to the unions of labor?—A. No; in fact I am a full believer in the necessity of labor organizations.

Q. Do you recognize that by virtue of organizing they can benefit their social and intellectual condition?—A. Yes; I think they are compelled to organize. There is undoubtedly a tendency on the part of employers of labor when anything occurs to reduce the profits—to make business less profitable—to take it out of the laborers.

Q. Do you believe that they are justifiable and that it is their duty to organize that they may get a reasonable share of the profits of their production?—A. Well, I think their welfare requires them to organize.

Q. What is your judgment about the benefits of concentration and consolidation of capital, and the effect on prices and wages and on smaller enterprises and on production?—A. Well, the general effect is bad.

Q. You don't believe in the unreasonable consolidation of capital in any one enterprise?—A. That is necessary to get the best results. But I consider the proposition of allowing a few men to control some vast industry in this country as extremely dangerous to the general welfare of the people.

Q. You recognize the human nature that permeates us all; that where a great power is lodged in a few individuals it is apt to be ultimately abused?—A. It will work out a great injury.

Q. What effect, in your judgment, does it have on the profits of those consolidated?—A. Well, back of all other motives there is one leading motive, and that is an increase of profits.

Q. That necessarily destroys the general law of supply and demand in that industry?—A. Yes.

Q. How does it affect the consumer generally?—A. My belief is that the effect would be to raise prices.

Q. How about the wages to those employed by the industry thus monopolized?—A. Well, I have often seen it stated by advocates of this consolidation scheme that it would increase wages. My own conviction is that it would have the other effect, and that it would lower wages; it would have the opposite effect.

Q. How does it affect the smaller enterprises attempting to carry on the same industry; what has been the history of the effect on them?—A. I think the effect would be to crush out the smaller enterprises.

Q. And destroy competition?—A. Yes.

Q. How would it affect the question of congesting the population in great cities or great centers of production? Do you think it would be liable to congest the laboring people in the great centers?—A. I think it would.

Q. And would necessarily lessen the population throughout the country districts?—A. Yes.

Q. Do you think it is beneficial or injurious to the masses of the people?—A. It is injurious.

Q. Have you any remedy that you could suggest to the commission for the legal regulation of trusts and combines?—A. I think I am not prepared off-hand to suggest any remedy. That is a very broad question, and to provide a suitable remedy is attended with a great many difficulties. You might, to a great extent, prevent the formation of what is known as a trust or combination, but you can not prevent a company from buying up all the plants and establishments that are engaged in that particular business that the company may propose going into. I mention as an illustration of that, what is known as the Smelter Trust in this State. The company, organized in New York, has purchased nearly all the smelter plants in the State. I don't suppose there is anything in the nature of a trust about it. They simply purchased the works. I would have power, as manager of a smelting company here, to buy the business and plant of my neighbor, and if I could buy one plant I could buy them all.

Q. Which would necessarily control the industry?—A. That would control the industry. But whether it would be possible to regulate anything of that kind by law I have never been able to say.

Q. Yet it does place a dangerous power in the hands of the consolidation?—A. I think it is not at all for the public good.

Q. For instance, take the Durango smelter that is in the trust. With the present capacity in the State, it could be shut down and all the ore going to that smelter from Silverton and other adjacent points could be shipped to Leadville, Pueblo, Denver, Omaha, or Salt Lake City, to some of the consolidated plants in those places, without materially injuring the combination, and yet it would shut down the industry entirely in that locality?—A. Yes, I can not see why that could not be done.

Q. Has it been the custom of your employees to try to build homes for themselves around your plant?—A. Yes, a good many of them have done that and we have always encouraged it.

They really feel that they are a part of your institution, do they not?—A. Yes.

Q. And its success is their success and its failure is their failure?—A. Yes; and in the employment of men we have always given the preference to men of families.

Q. You find that the treatment of your men in that humane manner has a tendency to improve their general social condition, do you not?—A. Yes.

Q. Promote the building of homes?—A. Yes.

Q. Making them a permanent part of your institution?—A. Yes.

Q. And you encourage that?—A. Yes.

Q. Now, if the same policy has been adopted at Durango and that plant should be shut down, men who have built their homes around the works and who have attempted to make themselves a part of the institution would either have to leave their homes or quit the smelter business and go into something else—that is, if the same policy had been adopted there as has been adopted by your plant?—A. That is making a rather hypothetical case.

Q. But if the Durango smelter could be shut down and the ore shipped to the trust smelters here, their men there would either have to leave their homes or quit the business, would they not?—A. That would be the effect; yes.

Q. Would not that have a tendency to discourage the building of homes, where these manufacturing plants are located, for fear that they would not be permanent? Of course you would have no such fear in a place like Denver.—A. That would be the natural effect of it.

Q. You spoke of the great improvement in machinery; what general effect does improved machinery have on prices of the product; in other words, does the smelter get the benefits or do the people at large get them?—A. So far as my observation goes, the effect of reducing the cost of treating ores by having more available methods, or by improved machinery, is all really given to the miner.

Q. Also, I suppose, to the consumer of the product, like lead?—A. Undoubtedly. For instance, if the price of silver should advance largely, the smelters that had no connection with mines would get no benefit from it whatever. In buying the ores from day to day we pay according to the price of silver in New York that day, and the higher price of silver would really be an injury to the smelters by reason of the increase in expense and by requiring more capital to do the same amount of business. If silver was a dollar an ounce to-day we would have to put a good deal more capital into the business in order to handle the same amount of ore that we handle now.

Q. If it made mining more prosperous, I suppose the smelters would feel justified in increasing the price a little in order to enjoy that prosperity?—A. One direct benefit would be in increasing the supplies of ores, owing to the increased amount of ores from the mines, and that is always a help to the smelter, and, as you suggest, I have no doubt it would work a change that would have the result of slightly increasing the treatment charges by reason of the larger amount of capital required to run the business.

Q. Have you seen any detrimental effect on labor by reason of the improved machinery in mining or smelting?—A. I have not.

Q. Is it your judgment that improved machinery benefits the laborer or injures him?—A. I think in the long run it benefits the class.

Q. The cheaper the production the greater the production?—A. Yes; benefits all classes.

Q. Is there any overproduction of lead, copper, zinc, gold, or silver in Colorado, in the United States, or in the world, or is it all consumed?—A. The answer to that question must be based upon the condition of the market. The prices at which these metals that you have mentioned are sold, shows that there is not now an overproduction; that the demand is fully equal to the supply.

Q. And there is no surplus?—A. There is no surplus.

Q. No overproduction in the mining industry anywhere?—A. No, sir. A few years ago the large copper producers of this country were forced to enter into agreements to limit their production. In other words, they had the capacity and ability to produce a great deal more copper than the world would take, but for several years now every copper producer is producing all that he can; there is no overproduction. There has been a demand so great that it has been fully equal to the supply for some time, and of course the increase in the price of copper must have had the effect of very largely increasing the production. Copper would have gone to a great deal lower price if there had not been a restriction placed upon the production by the agreement between the owners of the mines.

Q. You spoke of being interested in the oil business; where are you operating?—A. Florence.

Q. How is the oil industry there?—A. Well, the question of prosperity in the oil business in this State depends entirely upon the cost of obtaining the oil. Of course the old wells around Florence are constantly falling off in their production, and it is a question entirely of how much it costs to find new wells to take the place of the old ones. And again it is a question of the number of holes you have to drill in the property that you have. In Florence we go half a mile. We never stop drilling a hole until we have gone 2,500 feet, and the heavy drawback to the oil business is that we drill so many of these holes that don't produce any oil. There is nothing at the surface which indicates where the oil will be; and for the last year about all the profits in the business have been consumed by drilling holes.

Q. How does the quality of the oil compare with other oil?—A. If you speak of the illuminating—our principal business is making illuminating oil. It is a little field, although Florence supplies quite a large territory; it supplies the whole of Wyoming, Colorado, New Mexico, Utah, Arizona, and Montana. The entire supply for that territory has come from Florence. And I think the quality of the oil is fully up to the standard of the best oil that is produced in the East.

Q. Why is the supply limited to these States that you have mentioned?—A. When I entered upon this business I found a number of small companies engaged in drilling for oil and in producing oil and refining it. Their strength was very much scattered and they lacked resources, and I proposed to a number of these companies that they become members of this United Oil Company. I found at that time after this organization was made that the Continental Oil Company, which was practically controlled by the Standard Oil Company, was here in the field as distributers of oil. They were selling over the whole of this territory that I have named eastern oil. They had an extensive plant, consisting of storage tanks, tank cars, and everything of that kind, which it would have cost us several hundred thousand dollars to duplicate, and the duplication of them would mean also this: If we had gone into the business of selling our own oil it would have been entering into a destructive compe-

tition with the Standard Oil Company, and so I concluded that we could do a great deal more business in proportion by selling our product to the Continental Oil Company.

Q. Then you sell your product to the Continental Oil Company and they distribute it through the territory that you mention?—A. They distribute it.

Q. And the Continental Oil Company, by an arrangement with the Standard Oil Company, distributes it through this field that you spoke of?—A. They purchase all of our oil. We concluded that the best thing we could do was to sell it to the Standard Oil Company, or the Continental Oil Company, which is controlled by the Standard Oil Company.

Q. When did you first enter the field?—A. I have forgotten what year; it must have been 5 or 6 years ago.

Q. You did not enter the field before 1879, did you?—A. No.

Q. There was a great cut in oil in this State in 1879; I think it fell from 55 cents a gallon to 10 cents a gallon in Leadville; do you know what caused that cut?—A. I don't remember; I don't know.

Q. Did the Continental Oil Company ever make a great cut in the price of oil before you made your arrangements to sell them your whole product?—A. Well, I am not familiar enough with the history of the oil business to tell you.

Q. You don't know what caused the negotiations with the outside company—the Continental Oil Company? Do you know whether they had cut the price of oil at the time you made the arrangements to sell your whole product to the Continental Oil Company?—A. Had cut the price of oil in this field?

Q. To the consumers, yes, before you made the arrangement, as an inducement to make the arrangement, and to compel the Florence producer to put his oil on the market at 5 cents per gallon in order to sell it at all? Was that cut to 5 cents a gallon before or after you entered the field?—A. That must have been before. We have never sold oil so cheaply as that except for a short time.

Q. You are not familiar with that part of the history of the oil fields?—A. I am not familiar with anything that took place before the organization of the United Oil Company, of which I am president.

Q. You know something about the power of the Standard Oil Company?—A. I do; yes.

Q. You know something of its history where it has gone into fields where independent companies were operating and cut the price of oil to less than the actual cost of production; have you not read of that?—A. I have read a great deal on that subject. I only know, though, what I have read in the books and newspapers. I was thinking of whether the question you propose refers to the time when there was a company in existence called the Rocky Mountain Oil Company.

Q. Yes.—A. That was after we were organized.

Q. But you don't remember the sharp competition at that time?—A. Yes, there was a large reduction in the price for a time. We were of course interested in finding a market for our oil, but we were not in a position to go into an independent competition with the others in selling oil, so we were selling it to the Continental Oil Company. We were interested, of course, in preserving this territory for our oil, so that when the Rocky Mountain Oil Company entered the field and put the price down to undertake to take that field from us, we had to meet the competition they made, in supplying oil to the Continental Oil Company. The United Oil Company was interested in protecting this territory, and we cut the price in order that the other company might not come in and take that business away from us, and thus destroy our property.

Q. Do you know whether the Standard Oil Company had any advantage over the independent companies in the reductions made at that time?—A. I really don't know. I have heard stated it had, and again I have heard it denied. I would be unable to state from any knowledge I have whether it is true or not. I know they have very great power over the railroads, growing out of the immensity of their business.

Q. Is not that one of the dangers of the monopolization of a great business like that?—A. Inevitably; yes.

Q. What is the general sanitary condition of the smelters of the State, so far as you know?—A. I have stated, so far as it applies to Argo, to the works I am concerned in, that there is no healthier occupation anywhere. There is this difference between our business and the business of the other smelters, that the others deal with lead ores; they concentrate the value of the ores into lead and we concentrate ours into copper. They must have a certain amount of lead in their charge for the furnaces. On the other hand, we concentrate the valuable productions of the ore into copper and then separate the gold and silver from the copper. We do not require any lead. It is disadvantageous to us, and we don't want it. Now as to the other smelters—

as to what extent the men are injured by what is known as lead fumes—I don't know. Formerly it was very serious, but I am led to believe that with the improvements they have made and the systems of ventilation they have adopted by building tall chimneys and various other means, that it is nearly or entirely done away with.

Q. Would you say, so far as you know, that the smelters make every reasonable endeavor to improve the sanitray condition?—A. Yes, I am sure they have. And I can not say that there is any injury resulting from working around these lead works at all. I know quite a number of years ago, when I first knew something about the business, it was very injurious; but I think the best effects have been materially overcome.

Q. What is the nationality of your employees, as a general thing?—A. They are quite largely of foreign birth. I should say that probably we have more Swedes than any other nationality. But we have men there from nearly all countries.

Q. Do the Swedes usually speak English?—A. Most of them. We have quite a number of Swedes who do not speak English. We have rather adopted the rule, since I entered upon the business, and that was 32 years ago, to not employ too many of any one class of laborers, avoiding anything that would have a tendency to lead to clannishness.

Q. You have not imported any labor?—A. Never.

Q. Never found it necessary or desirable?—A. Now, I must correct that answer. When I first went into the refining business, we thought that it was necessary to have some men from abroad, and 2 or 3 men were sent out from Swansea. This was many years ago, and was supposed to be a necessity, but in a short time we found we could pick up men here and educate them to do a great deal better, and so we let the foreigners go. Since that time we have not imported any.

Q. You have not found it difficult at all to educate the native laborer to do the work?—A. No, and we very much prefer to do that.

Q. Have you any colored labor?—A. No.

Q. Are there any schoolhouses in the vicinity of your works?—A. We have a fine schoolhouse right close to the works, in fact, immediately adjoining the works; high school and lower grades; and within our district, including the town of Globeville, there are several very nice schoolhouses. The children of that section are very well provided for, indeed.

Q. Do the children of your employees attend the schools?—A. Pretty much without exception.

Q. Your company encourages the education of the children of your employees?—A. Yes.

We have now to consider the question of the 8-hour law and as to how far we can make it advantageous. Of course it does, to a certain extent, annihilate value—if I may be permitted to use that expression; it annihilates values in that kind of property that is in labor itself, the property of labor itself, by not allowing a man to work, even if he is able to work longer and desires to work longer. Some one must stand this loss. I hold to the theory that you can not get good results from employing men unless they are well paid; they must have the means of supporting their families comfortably. That is a thing that I lay down as a principle, and if I could fill our establishment up to-day with a great deal cheaper labor I would not do it, and I would not think it was advantageous to do it, looking at it purely and simply as a business propositon. I would much rather have a class of men who are intelligent and keep that class of men, and only that class of men, who must be well paid and who keep their families in comfortable circumstances. Now, if we are forced to pay for 8 hours in order to support the men and their families, a sufficient amount to permit them to do so, and the same amount that we have heretofore paid for 12 hours, of course that makes a very great difference in the results of a year's business in the smelter, and the difference must be made up in some way, and if it can not be made up in any other way it will have to be made up in increasing the charges for treating ores. That is what would come about if we live up to strict conformity with the law. I suppose that was understood when the law was enacted—that we would have to raise what we call the working charge for treating ores.

Q. Suppose that you paid them practically a proportionate amount or paid them by the hour, then how would it affect your works to adopt the 8-hour system?—A. It would seem to me to have no effect. If our men at 12 hours had been tired out, if they had left their occupation thoroughly exhausted, it would be economy for us to have the 8-hour system; but, as I have said before, our men have not been overworked. There is not a man around the works, so far as I know, who was not just as willing to work 12 hours as to work 8 hours. Therefore, I say, there is a positive loss—that is, there is just so much labor that the man is capable of performing and willing to perform that can not be used. It is very much

the same as if I owned a house and a law should be passed requiring me to live in that house not more than half a year at a time, compelling me not to live in that house more than half a year; someone would have to stand the loss; I would be just that much worse off than I would be if I were permitted to live there the year around. Of course, it might be on the ground of health that I would not be permitted to live in that particular house, but I would have to have another house in some other locality, and it would cost me just double the amount that I would have to pay for the use of a house for the 6 months, or for a year, for that matter. That is to say, the half of that house is obliterated or annihilated for a year, or the whole of it for 6 months.

Q. Do I understand you that the men should choose the 8-hour workday with a proportionate amount in wages, which would not affect you injuriously?—A. No; it might perhaps be a little to our advantage if they did that. Perhaps a man would be able to accomplish a little more proportionately in 8 hours than he would in 12.

Q. Can a man do more than a fixed amount of work around a roaster or furnace, or as a feeder, or does your machinery take just so much an hour?—A. The work is absolutely fixed all the time. The charges are uniform. They are weighed out and are the same all the time; so that a man working 8 hours around one of our furnaces could not do more than he could in 12 hours in proportion to the time, even if he wanted to.

Q. How would you organize your 10-hour men?—A. Since we have been conforming to the 8-hour law we have reduced the 10-hour men to 8 hours, reduced the 10-hour shifts to 8-hour shifts, and put on more men to work the two shifts.

Q. You work two shifts with them?—A. Yes.

Q. Have you any general suggestions that you would like to give the commission as to remedial legislation of any kind, either State or national, for the general good of the public?—A. I don't feel competent to go into that subject.

Q. (By Mr. RATCHFORD.) You have made a comparison as between the affairs of your business 20 years ago and the present time; and also as regards the labor employed. Did I understand you to state that your profits are greater now than they were then?—A. No; the profits are less.

Q. Less than they were then?—A. Yes.

Q. Notwithstanding the very high cost of all material, and especially building material, at that time?—A. Yes.

Q. I believe you stated that labor 20 years ago was double what it is now?—A. Yes.

Q. Does that apply to the number of laborers or the wages?—A. I was referring to the matter of wages. I should have explained that more fully; the difference in the wages paid 20 years ago and now was partially due to the difference in the locality. Just about 20 years ago our works were at Blackhawk, up in the mountains here, in a different county, and everything there was on a great deal higher plane. The cost of living was greater and we paid higher wages, partially on account of the locality and partially because wages in Denver and everywhere else generally at that time were considerably higher than they are now. When we moved to Denver in 1878 of course our business had become more general in character. When I first commenced the smelter business in Chicago there was no ore produced outside of that county, Gilpin county, to amount to anything, in the State. Afterwards the mines at Georgetown were discovered and then shortly after that they were discovered at Leadville, and we then had to carry on a more general business, and we consequently had to remove to a more central location. We moved 2 miles, to a place called Circle City, and then to a place called Argo, and built the works there where we are now. That was 21 years ago. At that time we made a schedule of wages which was entirely satisfactory to our men, satisfactory to everyone, and we have adhered to that schedule ever since. We have never changed that price during 20 years. It has been stated, and it is true, that in 1893, when there was a very heavy decline in the value of silver, on account of the action of the British Government in stopping the coinage in India, from 80 to between 50 and 60 cents per ounce. We had heavy stocks on hand, as the other smelters had, and it was a very heavy blow, and the condition of things looked very threatening as to what would be the future of the smelter and mining interests of the State. It was generally supposed then that the smelters would all close. I think there was a meeting held here, at which representatives of the smelting interests were present, and in which meeting a resolution to shut down the works was passed. At that time I felt that the stockholders of our company had fared fairly well, and they had no cause to complain. They never had had a very large return on the investment, but a fair return all the time, and we concluded that rather than take it out of the laboring men we would allow the schedule of wages

to stand, so we followed that plan and did not reduce wages, and we were really the only smelting company in the State that made no changes at that time. As a matter of fact the workmen really came to us and offered to submit to a reduction in their wages rather than allow the works to close, and our action on this occasion rather caused a feeling among them that we will always take care of them. And that is one reason why I made the general remark that I think there is a general tendency always, whenever anything occurs to reduce profits, for the employers of labor try to make the laboring men bear a share of it at least.

Q. You made the statement in a general way, didn't you, that wages 20 years ago, or prior to that time, were about double what they are to-day?—A. Well, while I could say there might be some difference there could not be much difference.

Q. In your particular line?—A. In the line of smelting business, I think it is probably pretty nearly a correct statement. I perhaps should not have said 20 years ago, but some time back of that. Before we moved from Blackhawk, which was 21 years ago, there had been a great deal of reduction in wages. Wages had been coming down from a very high point. We had no railroads to Blackhawk, and everything we got there was brought in wagons from the Missouri River, and the cost of supplies had been gradually reducing, and the same is true of labor. As soon as they got a railroad in there everything was lower; so that there was a time, sometime before we moved from Blackhawk, that we must have paid every man double what we paid after we came down here.

Q. The scale of wages then that was in effect at your works until the time of the passage of this law, or until it took effect, was practically the scale of wages that has been paid for the past 20 years?—A. Yes.

Q. Can you state what the amount of reduction was when that scale went into effect, approximately; did it amount to 40 per cent or 30 per cent?—A. The amount of reduction from what we paid at Blackhawk?

Q. No, I am not familiar as to the names of any of the different works, but I mean in your business as a whole. The wages paid prior to 20 years ago were about double what has been paid since that time; that being the case, the reduction that took place about 20 years ago, must have been about 50 per cent; is that right?—A. You see we were operating some considerable time before we moved from Blackkawk—that was more than 20 years ago—before the time we actually came down here. At the time we moved down here there had been a very considerable reduction in wages. The reduction made at the time of the change in location is what I suppose you are asking about now. Everything was cheaper here in Denver and everything is to-day. Common labor is cheaper than in the mountain towns of the State. I believe that is true now. I know it used to be so. When we came to Denver we paid a scale of wages as high as was paid anywhere for a similar class of work, and by anybody in these valley towns or in a place like Denver. But how much of a reduction was made from the time we left Blackhawk I am not prepared to say, if I was to give the exact figure. I have only an idea. Where we paid men $2.25 we used to pay $4.50. I know we used to pay a certain class of labor there $4.50, which we now pay $2.25. That was particularly due to the change of locality, change of conditions, cheaper living, etc. The great change in the value of labor during these years was brought about at different times and under different circumstances; that is, wages have been gradually coming down for a great many years in this State.

Q. In your judgment, what was the principal motive inciting these changes in wages; the reduced cost of living; did that enter into it?—A. Oh, yes, largely.

Q. Increased number of laborers coming to your State?—A. That might have had something to do with it; and to some extent the fact that mining had become cheaper proportionately. When our works were first put in Blackhawk it was generally thought that the whole field there would in a short time become deserted. Everybody was leaving who could get away. They had had on the surface a class of ore that could be worked in the stamp mills, but when they got to a certain depth they found a class of ore that would not yield gold in the stamp mills, and a great many experiments had been made in working the ore without success before I came to Colorado at all. They had been to a great expense in putting in the sampling works, the processes for working the ore, that were afterwards found to be unsuccessful, and consequently the mining business in Gilpin County, which was then the only place in the State where any mining business was done to any extent, had reached a very low tide, and I suppose that really had more to do than anything else in the reduction of wages for labor at that time. We built our works there and furnished a market for that class of ores that had not been successfully treated in the stamp mills, or in any other way, and at the time we commenced to build our works there were only 2

or 3 old rickety stamp mills running. Before we had been there 3 or 4 years it was one of the most active and lively places you ever saw. It was full of life and there were a large number of mills running successfully. We supplemented the stamp mills because we took a grade of ores that could not be used in the stamp mills profitably, and the general market thus afforded for ores made the mines prosperous, and for a good many years, and in fact down to this day, I might say, it has been a very prosperous mining camp. They just lacked one thing when we went there, and that was a market for what was called the smelting ore. In fact they had two names for the ore—the kind that was used in the stamp mills they used to call the "mill" ore, and that which could not be treated by the stamp mills and that we treated was called the "Hill" ore. A great many miners there called the ore we handled the "Hill" ore because we had furnished a market for the ore that they had not been able to do anything with, and we made a market for it right on the ground. So that I have always taken a good deal of credit to myself for having planted that industry there, and at a time when everything was in a most critical condition.

Q. What is your judgment as to the condition of the laborer to-day, the miner, and the men working at the smelter, as compared with times prior to 20 years ago? Is his ability to live and support his family on his present wages increased or decreased?—A. As compared with that time; I should say that was a very general question. My belief is that the miners of the State generally are as well off to-day as they have ever been. There was a time when they received much higher wages, but the cost of everything they had to consume was very much higher then, and they were more extravagant. The very high wages paid then led to a certain kind of extravagance that has gradually disappeared.

Q. Do you believe the reduction in the cost of the necessaries of life, and their general advantages, have accrued to the people as a whole, and that it leaves them in quite as good a position as they were at that time?—A. I may answer that question by giving you an illustration. I conducted business in this town of Blackhawk, which is a continuation of Central City, or a part of it, the two towns being connected in such a way that it is about the same thing, for some time, and have been away from there, as I have said, about 20 years. I occasionally go up there and go over the old ground, and it seems to me that there are more comfortable homes there now, and that the town is built up with better residences, and with all the air of comfort about them; they are nicely painted and kept, and there are good yards about them, and everything of that kind. There are many more nice homes than when I lived there 20 years ago, and there is an air of thrift around them. The people are well dressed, and look to be well fed. They have learned a good deal about how to live since that time I suppose, and have been gradually getting ahead in the world and acquiring these little homes. But I don't suppose it would sound very reasonable to say that a man who gets $2 per day is better off than a man who gets $4. It would depend upon how much he can buy for that $2. It would depend a great deal upon his habits and how he uses his money.

Q. Let me ask you then if, in your judgment, the earnings of capital to-day invested in mining and smelting in your State on the whole are quite as good as they were prior to 20 years ago?—A. There are so many conditions involved in that question that I don't know how to answer it. Of course, as you know, one of the leading industries in this State is mining. Now there are a good many mines in the State that are paying very large profits to the owners. There are more of that class of mines in the State now than ever before. There are a very large number of people engaged in mining, and there are a great many who are sinking money all the time—as Mr. Bell says, hoping for better days, and that they will make discoveries of paying ore.

Q. That has always been true, has it not?—A. It has always been true.

Q. The general question asked is one that I would like to have answered in a general way, if you can, without singling out any particular locality or any particular mines. I would like to know whether or not the industry as a whole is equally as good an investment—brings as large returns now as it did then?—A. I would say yes.

Q. It is bringing as large returns to-day as it did then, as a whole?—A. Yes, I think larger.

Q. Now, that being the case, the industry is upon a more prosperous basis?—A. I think it is. That is attributable to a great many things. Comparatively a few years ago the business of concentrating ores was not known much in this State. It hardly had been introduced. Now we have a great many mines that have been paying their owners well, and entirely owing to the improvement in concentrating the ores. A good many of the largest producing mines in the State to-day are known as mines that can only be worked by the concentration of the ores they produce.

The difference in specific gravity between the valuable portion of the ore and the portion of the ore that has no value enables you to have the valuable portion of the ore go on a dump and settle down and leave the lighter portion to go to the surface, showing the difference in specific gravity. Instead of having to smelt a ton of ore to get 3 or 4 dollars—under which process the entire amount would be consumed in the cost of smelting—you can concentrate the ore and put the value of 10 or 15 tons into 1 ton and then apply the process of smelting to that 1 ton instead of having to treat the 10 or 15 tons to get the value of that 1 ton. That is one of the causes of the increase of prosperity in the mining business in the State. Some chemical processes have come into use, by which the ores of the Cripple Creek district can be successfully worked, and that has had a great deal to do with it. Where the ore is adapted to it, you can treat it very much cheaper by the concentration works, or chlorination works, than you can by treating it at the smelters, and the cost of treatment of a certain class of ore has been brought down by these processes to the lowest possible point. It is the cheapest method where the ore is adapted to that sort of treatment, and it is the only way that a certain class of ores in the State can be treated and at the same time bring a profit to the owner of the mine. There are many ores that unless they could be concentrated could not be made to pay.

Q. I noted the comparison you made between the long and short workday. In view of all of these improved facilities of production, the processes of which are, I believe, calculated to increase production and to improve the quality of the article, it does not seem reasonable that the employer should expect his workmen to perform the same number of hours labor to-day as they performed before the introduction of these new devices; in other words, is it or not your opinion that the hours of labor to some extent at least should be regulated by our increasing production capacity?—A. Oh, certainly.

Q. Do you believe that in that way the employer who invests his money in these improved methods will not only be the beneficiary of that, but that the laboring man, by reason of the shorter workday, will also derive a share of the benefits, and in that way the whole people will, to some extent, be the beneficiaries?—A. Yes, that is true. I have believed and often expressed myself in that way, before there was any agitation over the 8-hour law here at all, that we were coming to shorter hours. I think now we are gradually coming to the 8-hour system. The time is gradually approaching when we are bound to have the 8-hour system. As to what I have said about the effect of the 8-hour law as to the scale of wages, I would say that if we pay for 8 hours the same wages that we have been paying for 12 hours, the only result will be that either we must close down the works or charge more for treating the ore. The charges we have been making for treating ore would not warrant us in paying for 8 hours work the amount of wages that we have been paying for 12 hours, and I have said very plainly that I think no good result could ever be obtained unless the workmen can be well paid, whether they work more hours or less. They must have money enough to be able to send their children to school, clothe their families decently, and live decently in every way. If we had to go to 8 hours here in order to pay, as we would like to pay, the same wages that we paid for 12 hours, we would have to put a higher price for treating the ore; we could not do it in any other way and pay the same wages for 8 hours. I might say there has never been profit enough in the business to justify paying any higher wages than we now pay. The highest priced men we have at Argo get $4.50 per day. While we have not a great many of that class, we do have a great many that get over $3 per day.

Q. Is it your judgment that as a fixed principle the 8-hour workday should be conceded by the employers of your State, and that the employees in return should be willing to accept a rate of wages commensurate with the 8-hour workday?—A. I don't think they could do that.

Q. If you reduce the wages enough to enable you to operate your works with the same results as before?—A. I think the effect upon the workmen would be injurious. Take, for instance, the man who gets $3 for a day of 12 hours. For 8 hours he would get just $2. I think the difference between $3 and $2 would have a bad effect.

Q. There is a more far reaching effect than that. Is it not true that while men are working for $3 for 10 or 12 hours, there is another man who can not get any work at all at any price, and his claim is that he is forced out and kept out of employment?—A. Yes. Only a short time ago the newspapers of the country stated that we had 1,000,000 of such men on the highway.

Q. In that way would it not be an advantage?—A. I think it would be an advantage to distribute this labor among the people who want labor rather than give it to

a portion of them and have the other portion out of employment entirely. I have no doubt upon that point at all; it would be better.

Q. You stated, I believe, that the smelter company in which you are interested and with which you are engaged, is capitalized at $1,000,000 or nearly $1,000,000.—A. No; we were capitalized at $1,500,000 at a time when we were handling a very large business in Montana. I should say that much in explanation. At one time we handled a very large business in Montana. We took the copper mattes there and brought them here and treated them, and our product and business at that time ran up to about $7,000,000 a year. That was the value of the products that we handled in one year. The point has been reached where we can not pay the difference in freight between treating it on the ground at Butte, Mont., where we used to receive it, and treating it in Denver. For many years we had in our favor a method that was so much better than the other methods used that we could afford to bring the mattes from Butte, Mont., here; but we can not do that now, and therefore we have allowed the Montana business to get away from us, and we are confined now mostly to a local business. I might give another very brief illustration: Formerly we bought a great deal of ore in Utah. Now the point has been reached where the local smelters in Utah, at Salt Lake City and other places, can treat these ores for just about what it would cost to treat them here. The cost to freight that ore from the mines at Bingham Canyon here is $8 per ton, and the charge for treating that ore in Salt Lake City is $8 per ton, and consequently there is no margin left to bring the ore here and treat it. Therefore, as these improvements have been made in other places and these local works have grown up, it has taken that portion of the business away from us, and we are compelled now to rely more upon what we call the local business, where we have none of the disadvantages of high freights; so we reduced our capital from $1,500,000 to $750,000. We reduced it one-half for the convenience of dividing the stock, and while we now have only $750,000 stock we have about $1,000,000 employed in the business.

Q. You are employing more money in the business than the amount of the capital stock?—A. Yes. We have not had a share of stock issued without being paid for at the regular par value. If we had made any other reduction than one-half we would have had to deal with fractional shares, so that we reduced the stock one-half according to the par value.

Q. You issue no stock that is not paid for at the regular par value; do you find it an advantage in your business, or do you do it as a matter of pride?—A. I can not see what advantage it would be. It would be no advantage to have a large amount of watered stock. I don't see why it would be any advantage so long as we are not in the business of selling stock. If our business was to put this stock on the market and sell it I think it would be better to have more of it, but we are not in that business and have no desire to sell the stock. The stock is held by people who hold it as an investment. I don't know of any advantage to be derived from watering it. We would have to pay the same price for ore as now, and the cost of treating it would be the same, and the actual amount of money earned would not be any different, so far as I can see.

Q. Do you believe it is an advantage to a large corporation dealing in the business of selling stock to have their stock watered quite freely?—A. These things are conducted very largely in Wall street. That is what they have done there, and I suppose they know more about it than I do, and think they can make more money by watering the stock.

Q. Watered stock, as it is generally understood, is fictitious stock, is it not?—A. Yes.

Q. Selling a fictitious article?—A. Represents nothing but a piece of paper, so far as investment is concerned.

Q. Do you believe that the officers and creditors of these large concerns that deal in watered stock would be content to accept their salaries and other indebtedness in watered stocks?—A. It depends upon what the earnings are. I have no doubt there have been a great many concerns started with a large amount of watered stock, which have made that watered stock worth par by the returns from the business. Such practices, however, are not calculated to conserve the business interests of the people, and I have always been opposed to them. I have written a great deal upon that subject and spoken a great deal upon it. I went into a pretty active controversy with the Western Union Telegraph Company once on that proposition. They have $100,000,000 of capital, and that large amount represents no investment at all; that is, I can say that it has been made out of the earnings of the business, besides paying good dividends all the time. They have this immense capital and their stock is worth pretty nearly par to-day. In a certain sense their stock may be said to be watered.

It may be said to be all watered in the sense that it has not cost the people who hold it anything. It is not watered in the sense that the property is not worth it. The actual value of the property of that telegraph company may be worth to-day all that the stock represents. I think there was originally $100,000 invested by that company and the rest has all grown out of the earnings.

Q. Is that practice calculated to deceive the public, with reference to dividends; by declaring dividends upon such stock?—A. In some cases, where the actual dividends would be very large, I suppose it appears better to the public to have a large amount of fictitious stock on hand to help to keep the dividends down. You can see that to the intelligent, thinking man it would not make any difference, but I suppose to the masses of the people generally it would. Of course in some of these cases, without watering, this stock would pay 50 or 100 per cent per annum in dividends. That would look unreasonable, whereas paying on an amount of stock that made the dividends 5 per cent, instead of 50 or 100, would look all right and would not stir up the minds of the people.

Q. For that reason, and for the additional reason of gambling in stocks, you believe that the practice is generally followed?—A. I do; yes.

Q. Would it, in your opinion, be difficult to have a law to prevent this practice of watered stock, which is evidently intended for deception and for gambling purposes?—A. Yes; I think it would be difficult. Let me illustrate that: Suppose you would form a mining company. You put into that company as against the stock you issue a mine. Nobody knows what that mine is worth. It may be worth $10,000; that may be a fair value for it; but you put it in at $1,000,000 and issue your stock. That is supposed to be a fair equivalant, and you swear to your stock as fully paid up, because you have turned this mine in against the stock at $1,000,000. Now that stock is mainly what might be called watered stock, and there is no court that can determine what that mine is worth; and there is no way to prevent a company from turning in a mine that is worth $10,000 for $1,000,000, if they desire to do so. So that I think it would be difficult. But it might be said that it would not be so easy to do that with anything the value of which is fixed by actual expenditure. For instance, in building a railroad; I don't see why it would not be possible to prevent the issue of watered stock in a railroad.

Q. You don't believe that it is within the province of the law to say to individuals and corporations the amount of your capitalization shall be the amount of money actually invested in your business, just as you are conducting your company affairs to-day?—A. Yes. I would like to see it done, and think it would be a good thing to do.

Q. Do you care to express an opinion as to whether or not each stockholder in a large trust or corporation should be held responsible in law for the action of the corporation itself?—A. That certainly would prevent the formation of these companies, if it could be done.

Q. Of these fictitious persons, stocks, etc.?—A. Yes; it would certainly prevent it.

Q. Do you believe that that would supply a remedy to any appreciable extent?—A. So far as I can say, it would; yes.

Q. (By Representative BELL.) You served one term in the United States Senate, did you not?—A. I did.

Q. Did you not, during your service in the Senate of the United States, try to apply a remedy to the telegraph corporation?—A. Yes; so far as making it a Government institution—that it should be a Government system.

Q. Do you believe that the Government of the United States should own a telegraphic system?—A. Yes.

Q. Is it not a fact that the adopting of excessive charges by the telegraph companies has enabled them to make their stock very valuable?—A. Well, all the property they have accumulated has been based on the charges they have made over and above the cost of the service. Of course, that is the accumulation; and besides they have paid their dividends; and from time to time they bought property and put up buildings until they have the great system that they have to-day.

Q. You have given the subject great thought?—A. Yes; I have studied it a great deal. I think it was conclusively shown by investigations made by the Post-Office and Post-Roads Committee in the Senate at that time that a uniform rate of 10 cents a message could be charged all over the United States, just the same as we now have a uniform rate of 2 cents for postage. A uniform rate of 10 cents for a 10-word message would make the system self-sustaining. I went into a very technical examination of that subject and had a great many witnesses called upon, a great many men in the telegraph business, and got information from them, and I believe it was conclusively shown that 10 cents for a 10-word message could be made a uniform rate through the entire United States and the system be made self-sustaining.

Q. Do you not believe that while that system is owned by a private corporation, created by law, the same power that created it has a right to fix a maximum rate of 1½ or 1½ cents per word, so as to allow a reasonable dividend, and the business still be held by private individuals; that is, as to the power of Congress to fix the prices?—A. Yes. Well, that is a question which I think I had better not try to answer.

Q. Do you think the better remedy is for the Government to own its own system and operate it?—A. That would be the best remedy. When I had my bill before Congress I was forced to give up that plan, because I found that I could not get support for it. The bill that was afterwards introduced and that came very near passing was a measure on the question of submitting the transmission of messages to bids. At that time there was a very active competition between the Western Union Telegraph Company and what is now called the Postal Telegraph Company. They were very active, and were extending their lines very rapidly, and would have come in under that proposition. I proposed to allow the Government to handle the telegraphic messages very much as it handles the mail now. The Government does not transmit the mails; it does not undertake to transfer the mails from one place to another; that is done altogether by contract, by either railroad or steamboat or stagecoach or mule pack; and I proposed to carry out the same principle in handling telegraphic messages. The Government would collect the messages just as it now collects the mails, and they would be delivered just as they now deliver the mails; but the transmission of the messages was to be by a certain company, if they would take it at a certain rate, the maximum of which was to be fixed, and then the matter was to be left to bids. That is the bill I got to a point of a unanimous favorable report, and got it upon the calendar of the Senate; but it was late in the session before that was done, and this was rendered so by men who are very skillful in the business of defeating bills. It was so late before it went on the calendar that it never came up during the session.

Q. What is your judgment as to the success of government ownership in other countries?—A. They have established it in all the countries of Europe, almost without exception. I think there is not a single country in Europe where the telegraph system is not controlled by the Government.

Q. And does it reduce the expenses of it?—A. Very much. They are very much lower. They have a 5-cent rate in France, and 10 cents is the maximum, and this system has been made self-sustaining.

Q. For 10 words?—A. Yes; 5 cents for 10 words.

Q. Speaking of watered stock, we have had some managers of great companies like yours before the commission. They have been opposed to watered stock in a measure, and they suggest as a remedy that the Government have inspectors, just as it now does for national banks, for the purpose of inspecting these companies; and if they find that corporations have watered stock, the stock to be reduced; that the same principle as is now applied to national banks, which are required to put up a certain amount of security to make their stock good, be applied to these companies. That has been suggested even by men as prominent as Mr. Havemeyer as being a remedy. What would you think of something of that kind?—A. Personally, I should like to see it tried. I would be very glad to see anything tried that might be effective in accomplishing the purpose. In fact, I think there is much harm done by watered stock. Take the large railroad companies; take the New York Central Railroad Company, and suppose it had twice as much stock as it has now; suppose they made a great issue of stock in addition to what they have now, could they and would they raise their rates because they had twice as much stock as before?

Q. Let me give you a historical illustration. Mr. Larrabee, ex-governor of Iowa, has written a very valuable book on railroads. He said the Illinois Central was paying or would have paid a dividend of from 22 to 36 per cent on its actual investment, and that the watering of stocks began there with that railroad to stop the clamor of the public against their making such enormous dividends on the actual expenditure. Now, is not that liable to be done by all railroads? He says, I think, that they would have made 36 per cent on their actual investment per year, but that they watered their stock at that time down so that it only showed an earning of from 6 to 8 per cent, the object being to hide the real condition from the public.—A. I suppose they have a right to earn and pay 36 per cent, if they can do it and keep within the limits of fair charges, etc. I suppose it would hardly be just to say that they should not have more than an ordinary rate of interest for their money, if their business had increased to a point where it would pay more. They put their money in and build up a property of great value, and by careful management it is constantly increasing, and it would be hard to say that they should not have the advantage of the large amount of benefit derived from that management. On the other hand, if there was

a loss they would have to stand the loss. They are, of course, running their chances, and I don't know as I would have a right to say that a man who invests his money in something of a quasi-public character could not have more than the usual rate of interest on his money if he was so successful in the management as to make it worth a great deal. I don't know as we could say that he would not be entitled to the benefit from these improved conditions.

Q. In an institution like a railroad—that is, quasi public, the courts have always held that the public which created it had the right to fix a reasonable rate, whatever that might be. I suppose these things would be taken into consideration, and if the company so managed its stock as to deceive the people, and so manipulated it that the public could not tell when it was getting a reasonable rate, that would be taking advantage of the legislature. That is one of the objections urged to watered stock.—A. Suppose a company built a railroad and it turned out to be so unprofitable that it could not be run—would not pay running expenses, as often happens. That is not an imaginary case, because it has often happened. Would the Government feel then that it ought to come in and help that company out?

Q. I think when the railroad got prosperous a just legislature would say that it might earn a sufficiency to make up for its bad period. I think that might be reasonable. And have a law to keep the people off the railroads, and one to keep the railroads off the people. If the time should never come when the railroad becomes prosperous, then the investment is sunk and lost.—A. Then the world would charge the managers of the company with bad management or judgment, and would not give them credit for good judgment when they could make a profit by good management.

Q. Yes, the world always credits the successful. It is the unsuccessful man that the world does not give any credit to. As to discriminating freight rates, you would be in favor of giving such amendment to the law as would give the Interstate Commerce Commission the power of control over freight rates, and to prohibit the giving of rebates?—A. Yes; so far as discriminations are concerned, I would go to any extent. I think there is no greater fault in the world than this habit of the railroad companies of giving advantages to some to the disadvantage of others. I think it has ruined many a man and many a company.

Q. You would like to see the laws amended in that respect?—A. I would like a law to be of itself in the most rigid form that could be made to prevent any discrimination. I would go so far as to make a carload the unit, and would never permit the railroad companies to charge any particular company for the hauling of goods any more than was charged to anybody else, no matter to how great extent they might be shipping. Of course, the power these great corporations get is in the immense amount of compensation they have to offer. I suppose the Standard Oil Company is very fairly entitled to the immense power it has over the railroad companies on account of the immense business the company gives them.

Q. (By Mr. KENNEDY.) Did you ever purchase ore from the Portland or Independence mines at Cripple Creek?—A. Not directly. We have bought ore through the small houses at Cripple Creek. I don't know whether we have had any particular ore, and I don't know what mine any of the ore comes from when it is shipped to us through what we call the middlemen, who run the smaller houses and who are in the ore-buying business. We get carloads of ore shipped in this way all the time, but we don't know what mine it comes from.

Q. It was stated before the commission yesterday that one smelter company gave a rebate to one of those mines of $1.50 per ton. Have you any knowledge of such a practice?—A. I don't know anything about it.'

Q. You stated that when you went into the business of refining oil you found the Standard Oil Company had a very large and costly distributing plant here, and that rather than go to the expense of building up a similar plant you proposed to the Standard Oil Company that they take your refined product?—A. Yes.

Q. The proposition was from your people and not from the Standard Oil Company?—A. I don't know. They were in the business of distributing here and we had the oil, and I could not say exactly how the proposition was first made. We easily concluded that if we could get a fair price from the Standard Oil Company for our product here it would be better for us than to undertake to sell it separately. In the first place, there would be a large loss of capital in duplicating a plant that there was no use in building. Here in Denver they had a large storage capacity, in tanks, and their cars were running all the time, and we thought it would be no benefit to duplicate them when one could distribute the oil as well as the other, or both, and the cost, of course, would be a great deal less. That was the question with us; and the only question was whether the Standard Oil Company would pay us a fair price

for our oil, which would naturally be the price of oil at wholesale in Chicago, which is a great oil center, or in Whiting, Ind., where the great works of the Standard Oil Company are located. We would be entitled to the price of oil at those places, by the carload lot, with the freight added; and we have practically always had that from the Standard Oil Company. In fact there have been times when they have paid us more than the price of oil in Chicago, with the freight added. When there have been cuts and reductions by the railroads they have continued our price right along until the rates were restored again. They would make no reduction in the price paid us, even when the reductions in rates might be going on; and for that reason they really paid us more than the price in Chicago or Whiting with the freight added.

Q. You are in the business of producing crude oil as well as refined?—A. We produce the crude oil and refine it.

Q. Do you purchase crude oil from other purchasers?—A. Yes; from a few, in a small way.

Q. Then you have knowledge as to whether the business of producing and refining is profitable or not?—A. Yes.

Q. Is it?—A. We have had some good years and made very good returns. The last 2 or 3 years were not so good. I think I remarked before that we spent nearly all of the earnings of the company in fruitless attempts to get new wells. I can not say that the business can be said to be very prosperous.

Q. You can not say it is?—A. No. I think last year we did not earn anything.

Q. While you are selling your refined product to the Continental Oil Company you know what you get, and you know what the consumers of Colorado have to pay for the oil. Can you say whether or not the company charges the people an unreasonable price for the oil?—A. I have often claimed, and have figured it out with the Continental Oil Company, that they were charging too much in proportion to what they paid us. When it comes to the retailing, it is to be borne in mind that we put the oil in their tank cars at our works without any cost to them; but we have it so arranged that it costs us very little to do it. They take the oil from there and we have nothing more to do with it. When it comes to retailing it and sending wagons from house to house, they attend to all of that, and that is the way it is done. I think they charge 20 cents per gallon for the oil, and the cost of retailing it is pretty much all the company is out. They make the difference between what they pay us and 20 cents per gallon, taking out what it costs to retail it. Of course when it comes down to the matter of retailing, every person who wants a gallon of oil sends word to the company and they have their wagon go around and draw out the amount that is wanted. That kind of business, the detail of it, is quite expensive and costly. I have no means of knowing just what it does cost to distribute the oil, but we have often disputed the price they claim it really costs them to distribute it. They have to charge that cost very much to small places. They will go to a little town or village of, say, 100 people, and they have to keep an agent there to look after the business and distribute the oil. They insist that they don't make anything more than a fair and legitimate profit out of the business. It is a thing we have no control over. We have nothing to do with the price for which this oil is sold. They pay us the Eastern price of the oil at wholesale, with the freight added, and we could not very well undertake to demand anything more than that; and so long as they are willing to pay us that our relations are perfectly harmonious and peaceful. It has often been said that we are a part of the company, but that is not true. We have no connection whatever except as buyer or seller, and in fact our interests can be said to be more or less antagonistic from the fact that we want to get a little more for the oil and they want to get it for a little less.

Q. You are free and independent of them and can secure just treatment at their hands?—A. Well, I can only say that, whatever may be the reason, or whatever they may have done with regard to other concerns, they have shown a very fair spirit toward us, and have always treated us with a good deal of fairness. We have no fault to find with them. Of course, if I was talking about something between ourselves, I might very easily say that the company could crush us out without any trouble. They know it and we know it. If they wanted to get rid of us and stop that business there, they could make the railroads carry oil from Chicago and sell it here at a price that would destroy our business. They have the power, I think, to do that at any time, and we have no independence in that matter at all.

Q. It is often charged that that is a practice which that company has resorted to frequently. Have they attempted anything of the kind with you?—A. They have never shown any other disposition toward us but one of fairness. They have been willing, as I have said before, to pay us the Eastern price of oil with the freight added.

Q. There has been something said about a town in this State that was obliterated on account of some arrangements on the part of the Standard Oil Company. Do you know whether such action was taken by the Standard Oil Company in this particular case?—A. At Overton?

Q. Yes.—A. That is where the Rocky Mountain Oil Company built its works. When the Rocky Mountain Oil Company went into the business, they thought they could manufacture products like paraffin wax and the finer qualities of lubricating oils out of their products, and they went very extensively into that business; built an expensive plant and managed it very extravagantly, and the result was that they made a complete failure of it. I was president of the United Oil Company, and some of the men who had stock in the United Oil Company were also stockholders in that company, and I always had the support of the stockholders in my opinion that it was not good judgment to undertake to produce these articles that they were undertaking to put on the market. I became satisfied that it could not be done, particularly from the fact that they sunk in the short time they were in the business in the neighborhood of $1,000,000, and it was pretty conclusively proven that my view upon that subject was right, and that is, that that business could not be conducted profitably, for the principal reason that the conditions were not favorable to it. I felt quite sure the Overton works were costing them two or three times what they would ever get out of the business.

Q. Then the failure of that company and the extermination of that town, according to your testimony, is due rather to poor business methods than to efforts of independent companies or the Standard Oil Company to crush them out?—A. I think it was very largely due to bad business management; extravagant management and bad judgment all around. I think that that had more to do with the failure than anything else. Since that time—since the concern failed and went out of the business of manufacturing oil and oil products—their business was merged in the Western Oil Company. We formed the Western Oil Company for the purpose of taking the crude product of the Rocky Mountain Oil Company—that is, the crude petroleum—and refining it for them. We could not do this very well as the United Oil Company, because we were also in that business, and therefore we carried this Rocky Mountain Oil Company business for several years as the Western Oil Company, and received the crude oil of the Rocky Mountain Company and refined it, and if there was a profit made out of the product thus furnished they got their share of it. That is the way we treated them in order not to work a destruction of their whole oil business. When they concluded to abandon the enterprise of manufacturing, when they found they could not carry it on, we took their oil from them and gave them their share of the profits of the Western Oil Company just in proportion to the amount of crude oil they furnished; so that it was just as well for them as if we had handled all their product as the United Oil Company.

Q. Are these works at Florence now?—A. At Overton. It is this side of Pueblo, on the Gulf road, I believe.

Q. Has the Standard Oil Company ever produced crude petroleum or owned a refinery in that village?—A. No; they are allowing the United Oil Company to do what they have never allowed any other company in the United States to do; they allow us to refine the oil and sell it to the Continental Oil Company. Their rule everywhere is to buy the crude and refine it. Their business is refining the oil, but they have made an exception to that rule, and we find it is the only exception in the United States to-day—where they take the product and allow the company that produces the crude oil to do the refining.

Q. What is done with the product of the Florence Oil Company?—A. That is sold to the Continental just the same.

Q. They have the same privilege in that respect that you have?—A. Yes; they have the same privilege.

Q. You said no other company except yours had that privilege?—A. The Florence Oil Company is rather a small producer, and it didn't occur to me. I should have said outside of that field, because they have the same privilege. I might say it is really the same thing, because there is no other refinery there. I do not state positively that there is no other exception, but I was told that by a man connected with the Standard Oil Company—that they allowed us to do what they had allowed no other company in the United States to do. That referred to both of these companies.

Q. You spoke of one man who was in your employ for 20 years making $25,000 and retiring Do you wish to convey the impression that he saved that competency out of his wages?—A. I believe he bought some property, and made some money out of some lots. He also owns a good farm down in Nebraska, that he bought. He got $7 a day for years, and bought some real estate and made something out of that.

Q. At $7 a day, supporting himself and family, could he save such a competency as that out of his wages in that time?—A. No; I only know it from the foreman of the works, who is quite familiar with his condition. He told me he had in the neighborhood of $25,000. Seven dollars a day would be about $2,500 a year. He might have saved every dollar out of his earnings, easily. That would be $50,000 in the twenty years.

Q. Are you in favor of taxing the franchise values of corporations, such as street railways, etc.?—A. I am under the belief that anything that could fairly be called a property—valuable property—should be taxed.

Q. Is it not often the case that the value that is placed upon a corporation of that kind consists very largely of the good will of the public and the franchises that have been given to it by the public, through city councils, etc.?—A. I think franchises should be taxed.

Q. If they are valuable?—A. Yes.

Q. Would you be in favor of such a law, for the State of Colorado, as the Ford law of New York?—A. Yes. I am not exactly familiar with its terms, but I suppose it to be a good law. There is a contest pending in this State to-day over what are known as newspaper franchises—it is in the courts now—as to whether a membership in the Associated Press amounts to a franchise. It is contended on the part of the newspapers that there has never been an attempt to tax a membership in the Associated Press in any State in the Union except one, and that it is in no sense a franchise. In a general sense I believe that franchises ought to be regarded as an actual thing of value, and therefore should be taxed; but justice would require that the value of the franchise in that case should be made to depend upon the earning capacity of the company that has it. Now, we have a cable company in this city that has not earned enough in the past six years to pay the interest on its bonds. It has partly been able to pay running expenses. What is its franchise worth, and how can you measure its value? In that case you would not tax the franchise if it had no value, unless it should be merely a nominal tax such as there is on poor and unproductive lands. That is the way it looks to me. But where a company is doing a large and prosperous business and making a good deal of money, and a great deal of the value of that company is represented by its franchise, I think it should be taxed.

Q. (By Mr. RATCHFORD). In your testimony you made allusion to a combination of two of these railroad interests in your city or locality. I understand that combination or consolidation of interests is rendering greater public service now than it was before.—A. I think about the same. There has not been any change except in the very fact that the interests are to that extent consolidated that they are owned and controlled by one organization.

Q. Instead of two, as formerly?—A. Yes. They have not made any improvements or changes yet.

Q. Has the price of travel been lower since the consolidation?—A. No.

Q. Do the facilities for travel remain the same; are they equally as good?—A. Yes; the fares remain the same. Of course there has been a long controversy here about the question of allowing the company that is now in control to change the power from cable to electricity. That has been a disputed question here and it is held up by the city council. The city council will not take any action on it. I believe it would be a great improvement in the service in this town if the change should be allowed—that is, if they should be permitted to change from this cable they are now using to electricity. Then they ought, in connection with that, to give transfers where they have been giving them heretofore on their own lines, and also to give transfers on all the lines. If this privilege was granted and that change made, they should give transfers on all the lines. The rate is 5 cents, which is the usual rate in all of the cities of the United States, with very few exceptions. I don't know of any except Detroit, and it seems they have a combination there, and that they charge the same fare and are very liberal about giving transfers. I made that remark in connection with the remark that it does not make any difference to the man who rides on the car whether the capital stock is one million or ten million.

Q. In your opinion, is the best result usually obtained by the people when the street railways are under one owner? Which plan gives the best results, where the railway is under one owner or where there are two or more competing lines?—A. I think, to take the city of Denver, that its lines could be better operated by one than two companies.

WALLACE, IDAHO, *July 26, 1899.*

TESTIMONY OF MR. JAMES R. SOVEREIGN,

Editor and publisher Idaho State Tribune, Wallace, Idaho.

The subcommission on mining met in Wallace, Idaho, at 10 a. m., July 26, 1899, Chairman Bell presiding. Mr. James R. Sovereign was sworn and examined on the topical plan of inquiry on mining. Mr. Sovereign's testimony dealt chiefly with the labor troubles in the Cœur d'Alene mining district of Idaho. The following is the report:

Q. (By Mr. RATCHFORD.) State your full name and address.—A. James Richard Sovereign; I am a citizen of Arkansas; my present stopping place and residence is Wallace, Idaho.

Q. In what business are you engaged?—A. Editor and publisher of the Idaho State Tribune.

Q. How long have you been located in this place?—A. Since the 1st of last September.

Q. And prior to that time you were in Arkansas, were you?—A. Yes.

Q. What were you engaged in when at home in Arkansas?—A. Fruit farming.

Q. Had you some connection with organized labor recently?—A. Yes.

Q. What was it?—A. For four years prior to November, 1897, I was general master workman of the Knights of Labor. I have been connected with labor organizations in different capacities for nearly 20 years.

Q. And retired from that position when?—A. In November, 1897.

Q. If you will take the plan of inquiry and answer it in your own way, treating each topic as fully as you care to, we will perhaps save time, and at the same time give you ample opportunity to make as full a statement to this commission as you care to make. Now, as to the first topic, constitutions and regulations?—A. The constitutions and regulations of the trades organizations in this particular neighborhood are similar in form and effect to the constitutions of the trades unions throughout the country, and relate to the government of the membership, the rate of wages for which they shall work, the amount of dues they shall pay at stated times for the support of the union, and for the beneficiary fund for the relief of sick and distressed members as well as funeral expenses for deceased members.

The great mining strike in 1892 in this district, which was so much commented upon by the press of the country, resulted in an effort on the part of the employees in the mining industry to exact from each miner and each employee of the companies an assessment of $1 per month, to be set aside for a hospital fund. This amount the miners and employees were required to pay into the treasuries of the companies for which they worked, and the companies in turn employed necessary medical attendance for ill and disabled employees. The employees protested, declaring that they preferred to secure their own medical service, and through their organizations made efforts toward securing the construction of what is known in Wallace as the Providence hospital, which is now under the management of the Sisters of Charity, an institution costing approximately $35,000. That, however, was not all the cause of the trouble in 1892; and I don't know as it would interest this commission to go back to the foundation of that trouble.

I am free to say that trade unionism in this part of the country has made very rapid strides in membership within the past 2 years. I know of no mining company in this district that does not and has not, until this recent trouble, employed only union miners and recognized the miners' union, except the Bunker Hill and Sullivan Mining Company, located at Wardner.

All the outside employees of the mining industry have ever been allied with the miners' union or the Western Labor Union. The Western Labor Union is secondary really to the Knights of Labor in this part of the country. District Assembly 18 of Idaho embraces nearly all the outside working people; or, I should have said, embraces all the working people outside of the mines, and is merged into the Western Labor Union under similar rules. The prime reason for the change was on account of securing transfers from the Western Federation of Miners to the Western Labor Union and others, the two organizations being affiliated associations. Heretofore miners who went out of the mines to work and transferred to the Knights of Labor were compelled to pay an initiation fee, and members of outside organizations who went into the mines to work were com-

pelled to pay an initiation fee. One organization is known as the Western Labor Union and the other as the Western Federation of Miners, and that explains why a more close relationship was established between the outside employees and the men working on the inside of the mines.

I may say the liberty of contract has been infringed upon only in so far as organized labor is concerned, in its organized capacity, in unionizing all the industries. The right of contract has been completely abrogated in this district by military authority, or rather by the civil authority supported by the military. Shortly after the riot of April 29 of this year the governor of the State of Idaho placed the district under martial law by proclamation, and in a subsequent proclamation, signed by the governor and examined and approved and signed by H. C. Merriam, brigadier-general of the United States Army, the right of contract was extremely infringed upon, if not entirely abrogated, both on the part of the mine operators and the miners, and that infringement was subsequently extended to include the employees of mines, whether working on the inside or the outside of the mines. It also extended to the shift bosses, the foremen, and the superintendents of the mines. And if it is proper I would prefer to submit in evidence the proclamation thus abridging the right of contract.

Q. (By Mr. KENNEDY.) Please explain how that proclamation abridges the right of contract?—A. It abridges the right of contract by prohibiting a mine operator, under threat of having his mine closed by the civil and military authority, from employing any member of a miners' union in any capacity whatever until the member first renounces all allegiance to the miners' union and expresses his opinion that the miners' union is a criminal organization.

There is another form, a permit, which generally applied to members of the miners' unions, and which required that the applicant for employment should make certain promises. I offer in evidence the proclamation mentioned, or a copy of it, including the forms of applications for permits to work in the mines. (Said proclamation and forms follow.)

"PROCLAMATION.

"Whereas the following notice has been served upon the mine owners of Shoshone County by the duly constituted State authorities, by whom martial law has been declared, to wit:

"*To the mine owners of Shoshone County:*

"Certain organizations or combinations existing in Shoshone County have shown themselves to be criminal in purpose, inciting and, as organizations, procuring property to be destroyed and murders to be committed, by reason whereof it has been twice necessary to declare martial law in Shoshone County.

"You are therefore notified that the employment of men belonging to said or other criminal organizations during the continuance of martial law must cease. In case this direction is not observed your mines will be closed.

"Therefore, in order to carry into effect the spirit of the foregoing notice and restore the industries of the district as far as possible, it becomes necessary to establish a system by which miners who have not participated in the recent acts of violence and who are law-abiding people may obtain work, and, that order and peace may be established, the following is promulgated for the guidance of all mine owners and employees in the affected district:

"All parties applying for underground work in any of the following mines will be required to obtain from Dr. Hugh France, the duly appointed and authorized agent for the State of Idaho for this purpose, or his deputy, at Wardner or at Wallace, a permit authorizing said person to seek employment in any of the following mines: Bunker Hill and Sullivan, Last Chance, Empire State-Idaho, Consolidated Tiger and Poorman, Hecla, Mammoth, Standard, Helena-Frisco, Gem, Morning, Hunter, and such others as may be hereafter included in the above list. Parties applying for such permits must be prepared, first, to deny all participation in the riots of April 29, 1899, in Shoshone County, and, second, to deny or renounce membership in any society which has incited, encouraged, or approved of said riots or other violation of public law.

"Mine owners must refuse employment to all applicants for underground work who do not present a duly signed permit authorizing the same. Such permits will be deposited in mine-owners' office, subject to periodical inspection.

"All parties now under employment by any of the mines above named will be

required to procure within 10 days from this date the permits above referred to as a condition to their remaining in the service of their respective companies.

"By order of the governor and commander in chief,

"BARTLETT SINCLAIR,
"*State Auditor.*

"Examined and approved:

"H. C. MERRIAM,
"*Brigadier-General, United States Army.*

"Dated May 8, 1899."

The application for permits to seek employment, which union men must sign, is as follows:

"APPLICATION FOR LEAVE TO SEEK EMPLOYMENT IN THE MINES OF SHOSHONE COUNTY.

"To Dr. HUGH FRANCE, *State Representative.*

"SIR: I hereby make application for issuance to me of a permit allowing me to seek employment in the mines of Shoshone County.

"I am a ——— by occupation. I am a native of ———, and am a ——— citizen of the United States. I last worked at the ——— mine in ———. My shift boss was ——— ———. Heretofore I have been a member of ——— Miners Union. I did not participate, actively or otherwise, in the riots which took place at Wardner on the 29th of April, 1899. Believing that the crimes committed at Wardner on said date were actively incited, encouraged, and perpetrated through and by means of the influence and direction of the miners' unions of the Coeur d'Alenes, I hereby express my unqualified disapproval of said acts, and hereby renounce and forever abjure all allegiance to the said miners' union of which I was a former member, and I solemnly pledge myself to obey the law and not to again seek membership in any society which will encourage or tolerate any violation of law.

"———— ————.

"Dated this —— day of ———, 1899."

The application which nonunion men must sign is as follows:

"APPLICATION FOR LEAVE TO SEEK EMPLOYMENT IN THE MINES OF SHOSHONE COUNTY.

"To Dr. HUGH FRANCE, *State Representative.*

"SIR: I hereby make application for issuance to me of a permit allowing me to seek employment in the mines of Shoshone County.

"I am a ——— by occupation. I am a native of ——— and am a ——— citizen of the United States. I last worked at the ——— mine in ———. My shift boss was ——— ———. I have not been for —— years a member of any miners' union. I took no part, either actively or passively, in aiding, assisting, or encouraging the perpetration of the crimes committed at Wardner on the 29th of April, 1899. I solemnly pledge myself to obey the law.

"———— ————.

"Dated this —— day of ———, 1899."

Q. (By Mr. RATCHFORD.) Permit from whom?—A. From the authorities, under the martial law, from Hugh France, who was the coroner of the county, and who, by the arrest of the sheriff, became the sheriff of the county; and who, by the way, was at the time a beneficiary of the Bunker Hill Company, receiving through the hospital a salary of about $400 per month, that was levied upon the employees of that company. He also had deputies throughout the county who, under him, had authority to issue these permits. This permit order was in violation and is still in violation of one of the statutes of the State. The permit system is still in operation here now. I desire to offer the statute in evidence, which makes it a misdemeanor for any employer to exact such statement or declaration from any person seeking employment. (Reading:)

"AN ACT making it unlawful for employers to enter into agreements with their employees or persons about to enter their employment not to become or continue as members of labor organizations, and prescribing as penalty therefor.

"*Be it enacted by the legislature of the State of Idaho:*

"SECTION 1. It shall be unlawful for any person, firm, or corporation to make or enter into any agreement, either oral or in writing, by the terms of which any

employee of such person, firm, or corporation, or any other person about to enter the employ of such person, firm, or corporation, as a condition for continuing or obtaining such employment, shall promise or agree not to become or continue a member of a labor organization.

"SEC. 2. Any person, or persons, or corporation violating the provisions of section 1 of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than fifty or more than three hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

"SEC. 3. This act shall take effect and be in force from and after its passage and approval.

"Approved March 6th, 1893."

And I understand that these proclamations which were issued came from the governor of the State. They were not signed by the governor. The governor was not present, but he deputized the State auditor to act in his stead. The signature is "By order of the governor and commander in chief, Bartlett Sinclair, State auditor. Examined and approved, H. C. Merriam, brigadier-general, United States Army." This abridgment of the right of contract extended to all the employees in this district who were in any capacity employed by mining corporations, except the men operating the pumps of the various mines. They belong to the miners' unions and were under the same obligations and owed the same allegiance to the miners' unions that any other person did who belonged to the unions, and yet, for some mysterious reason, they were exempted from the exactions of the proclamation and were forced to work at the point of the bayonet. The pump men of the Tiger-Poorman mine stopped work in sympathy with the locked-out members of the union and under the belief that nonunion men would be employed. They immediately went to the miners' union hall in Burke, where they met other members of the union for consultation. Lieutenant Lyons immediately put a guard around the hall, guarding the doors and windows, marched into the hall, and notified the assemblage that he would give the pump men 5 minutes to go to work. They protested, and he finally extended the time to 10 minutes. He told them he was there to protect property and he proposed to do it, and the men were forced to return to work and did return to work. Most, and I think all of the pump men have quit work since. In general effect the right of contract was abridged, and is abridged at this time by reason of this order. The Hunter Mining Company, located about a mile above Mullen, just up the canyon here, had the misfortune of losing its mill by fire a year or more ago—I don't just remember the time—and the mine for a considerable time was idle. Last spring the company decided to reopen the workings. In order to do so they considered it necessary to drive a new tunnel in there before the erection of the new mill. They employed above 27 men without permits, reserving, as they said, the right to contract and to employ whom they pleased, and their mine was closed, under authority of the governor, by the acting sheriff, aided by the military authorities. Every prospect where any more than one man was employed has been closed, compelled to suspend operations by this reason, the restricting of the right of contract, denying to persons the right to contract with whom they pleased to have labor for them, and denying the right of laboring men to seek employment without first signing away what workingmen consider a constitutional privilege. Even men who signed the terms or promise were not permitted to seek employment, except where the permit was issued, and it being optional with the officer to issue permits only those who, in the judgment of the officer, it was desired to have employed, often only those to whom the officer saw fit to issue a permit were allowed to seek employment in this district.

Through these drastic measures the mining industries of this country have been neglected, and there has been pretty nearly a complete suspension of operation; and only until recently has our output of ore amounted to anything more than a car or two a day, if any. The excuse for requiring an application for a permit restricting the right of contract offered by General Merriam, Bartlett Sinclair, auditor of State, Governor Steunenberg, and the acting sheriff, Hugh France, and their subordinates in office, is based upon the proposition, or declaration, rather, that the miners' organizations are criminal associations; criminal to the extent that they counseled, advised, and actively participated in the riot of April 29, 1899, which resulted in the destruction of the Bunker Hill and Sullivan concentrator at Wardner. I want to be quoted in this statement as saying, personally, that I have no sympathy with riots or insurrectionary movements, and that the great mass of our people have no sympathy with such actions; and I wish to say, further, that the riot of April 29 was, in my opinion, one of the greatest crimes ever perpetrated in the name of labor; it was entirely uncalled for and can not be palliated by any sense of justice. I wish to say further, while I am on this

subject, that it was the result of a long-standing feud between organized labor and the Bunker Hill and Sullivan Company. There was no ill will existing between any other mining corporation and organized labor in this district at that time. The Bunker Hill and Sullivan Company in 1894 discharged its union employees, reduced its wage schedule, and hired nonunion men and organized them into companies of the State militia. They were supplied with guns and ammunition from the arsenal of the State. The company, however, entered into an agreement that when the price of lead and silver increased to a certain figure—the amount I can not state—it would pay the current rate of wages paid by the other mine operators in this district. Ore advanced in price until lead was $4.50 per hundred and silver about 61 or 62 cents per ounce; at any rate it reached the mark and went over, in excess of the agreed prices upon which the company promised to pay the union rate, or so nearly approximated it that the miners in the Bunker Hill and Sullivan, irrespective of organization, asked the uniform rate of the district. The company positively refused it, and on the demand of their men repudiated their own contract. The men then began to organize into the miners' union, and were immediately discharged, or were discharged by the company as soon as it ascertained that they were members. They were discharged in blocks of five, ten, or twenty, as the company would learn that they had joined the union. This intensified the situation, and the whole district was extremely aggravated. Mining operators who didn't wish their names given told me upon their word that they had gone to the Bunker Hill Company and pleaded with them and urged them to unify the district, and asked them to pay the uniform rate of wages; that they do this without solicitation, in order that it might be received with better grace by the men in their employ and the other men throughout the district.

The governor of the State, so I am reliably informed, asked the company to arbitrate the difference. We have a law in this State providing for arbitration between employer and employee. The company refused, and discharged all the men in their employ belonging to the union. And, so far as outside indications would go, the trouble was settled, or rather the union miners apparently had lost in their struggle to get either the union rate or organize the men. The miners' union asked that the men be organized and that the company recognize the miners' union. The company refused. The company, however, after the situation had become very much strained, granted an increase of wages, not quite, however, up to the union rate. On the 29th day of April, without any knowledge on the part of the people, and as though by spontaneous action, about 800 miners or 800 persons—I don't know whether they were miners or not—came down from Mullan, Gem, and Burke, took a train on the Northern Pacific at Burke, loaded on 80 boxes of dynamite at the Helena-Frisco magazine; about 300 of them were armed with Winchester rifles and were masked; they came to Wallace, transferred the train to the O. R. and N. Railroad track, ran it to Wardner, put the dynamite under the mill, and blew it up. In the riot two men were killed, one of the members of the miners' union and the vanner man, a man employed on the vanners in the Bunker Hill concentrator. After this outrage the miners' unions were branded as criminal organizations and the liberty of contract was abridged, the employment of union miners was restricted, and no union miner was permitted to seek employment without first securing the consent of the officers in charge. Membership in the miners' union alone was made a pretext for the arrest and incarceration of about 500 of the people of this district, and a large number of others were arrested and incarcerated on the charge of being directly implicated in the riot and the destruction of the mill. The abridgment of the right of contract by the authority of the civil and military officers was as much an embarrassment and pecuniary loss to the mine operators as to the miners, and many mine owners and operators strongly protested against it and made every attempt up to a month ago to induce the authorities to either modify it or call it off, but without success. Through a friend, Judge O'Dey, of Portland, I corresponded with the War Department, and as a result the following orders of Secretary Alger were sent to General Merriam, which I also desire to introduce. (Reading:)

"To Brigadier-General MERRIAM,

"*Commanding Department of Colorado, Denver, Colo.*

"You will instruct Major Smith, commanding at Wallace, that he is to use the United States troops to aid the State authority simply to suppress rioting and to maintain peace and order. Those were your original instructions. The Army must have nothing whatever to do with enforcing rules for the government of miners or miners' unions. That is a matter for the local authorities to deal with.

"R. A. ALGER, *Secretary of War.*"

And I might say that that order conveyed to the members of the miners' unions the fact that the War Department was not of itself directly implicated in what we considered a gross violation of the constitutional rights of the citizens by this restriction of the right of contract. We are not attaching any blame to the War Department directly. I think Gen. H. C. Merriam was alone responsible, in so far as the military authorities cooperated with the civil and restricted the right of contract. I wish to add to the statement already made, that after 20 years' experience, and my service in behalf of the trades and labor organizations of the country, I consider the charge of criminality against the labor organizations in this district as wholly unfounded. It is physically impossible for labor organizations, under their present ordinary test of membership, to organize riotous or revolutionary movements, for the reason that the members in such organizations who might be in favor of the violation of law or the commission of any crime against the peace and good order of society always stand in fear of the conservative element. The men who have a desire to commit crime, and who are also members of labor organizations, know that any one member of the organization opposed to any such action would stand against them a living witness in any court in the country; and therefore whatever crime is committed in the name of labor organizations is committed by men who, while probably members, organize for criminal purposes entirely outside and independent of such organizations.

It is stated on what is accepted as reliable authority that the raid on the Bunker Hill on April 29, 1899, was organized by a few men who came from Mullan to Gem and there secured, I understand, 12 others from Burke, making 46 in all; and they were assisted by a few from Wardner; and the raid on the Bunker Hill was organized at a midnight hour, and without the consent of any labor union or labor organization. In fact, crimes have been committed in this district in the name of labor organizations; men have been run out of the country at the point of a gun; men have been murdered supposed to be inoffensive, by certain union men; shift bosses and superintendents have been killed in the night; and it has all been charged up to labor organizations, and, I think, without any foundation whatever in fact. But it is through these crimes that the civil officers, in conjunction with the military forces, have made up what they consider sufficient ground upon which to abridge the liberty of contract and restrict the right of a citizen to seek employment in an honorable vocation from any person willing to grant it. On the other hand, employees have been notified by the military authorities that they might have their choice to either go to work or go to the bull pen. For example, the cooks at the Helena-Frisco boarding house were given the option to either cook for the nonunion men or go to the bull pen.

Q. (By Mr. RATCHFORD.) What is the bull pen?—A. It is a military prison at Wardner, in which have been incarcerated from time to time since the 29th of April approximately about 1,000 people; possibly it does not go over 800; I have not kept a close count of it.

Q. You spoke of military authority. I don't know that you explained fully to what extent that military authority has been exercised and by whom; whether it was by the Federal authorities or the State authorities. Have you anything further to say upon that subject?—A. If you will allow me to digress a little—the introduction of the United States troops into this district was welcomed by mine operator, business man, ordinary citizen, and members of labor organizations. It was expected that they would cooperate with the civil authorities only to do police service and prevent any further outbreaks or riotous demonstrations, and to protect the civil authorities, the constabulary, and judiciary in the arrest, trial, and, if possible, the conviction of the men guilty of the crime committed on April 29, 1899. But instead of allowing the mine operators to employ faithful, law-abiding, industrious miners, who had never taken any part in any criminal act that could be proven, the military authorities cooperated with the civil, under the direction of General Merriam, to subvert the local government. The first effort made was to subvert the local government and to incarcerate all county commissioners, charged with no crime—the offenses with which they were charged were not of such a nature as justified imprisonment; they were only civil offenses at most, and yet they were imprisoned, guarded by the United States soldiers, and prevented from performing the functions of their offices.

The authorities boasted that it was for the purpose of permitting the governor of the State to appoint a new set of county commissioners, and thereby subvert the entire county government by the assistance of the new county officers. The military authorities cooperated in these outrages. The military authorities threw a drag net over the entire community. They arrested every person whom they chanced to meet, without regard to whether he was a business man, a miner or

laborer, or whether he was a member of labor organizations or not. They made at one time nearly a clean sweep of this entire district. Those they could not crowd in the bull pen they put in the box cars under guard: and they maltreated them, abused them, proscripted them, denied the right of religious counsel to the dying, denied the right of mothers and sisters and wives to see their dying sons and brothers and husbands; and committed what we consider one of the greatest military outrages ever committed in this country, and without any reason, without any justification. If there was a raid on the 29th of April, which everyone concedes there was, it only lasted about 4 hours. There was no riot before it, and there was no riot following it; there was no opposition to civil processes, and there was no resistance to arrest; there was no opposition to or restriction of the processes of the civil courts, and yet under the military authority and domination the privilege of habeas corpus was suspended; and if men had any rights before the courts they could not secure them, because the entire civil authority was subordinated to the military domination, and the processes of the courts were inoperative. They had under military guard in the bull pen at Wardner at various times at least 300 of our citizens, against whom no charge was ever made, and to whom no trial was ever granted; and those who were released were without any knowledge of the cause of their incarceration. These outrages have all been under the direct control of the military authorities, under the command of the governor of the State of Idaho, or his representative, the auditor of the State, and the acting sheriff of this county, Mr. Hugh France. The people expected the military authority to cooperate with the civil authority and restore peace, revive business and all industries, insure liberty of contract and the rights of citizens as guaranteed under the laws of this country, but instead of that the operation was the opposite.

Q. Were these so-called outrages practiced by the military a result of the order of the State authorities or the Federal authorities?—A. I should say the State authorities. Merriam was carrying out the orders of the State authorities. I have never found anything, either from the President of the United States or the War Department, that warranted the acts of General Merriam or the soldiers or any of the military authorities here; in fact the orders, if I understand them, conflict directly with the action of those to whom they were directed.

Q. Now you spoke of several boxes of dynamite being taken from some point to this mill and the raid having taken place there; they took guns also, I believe you said. Is it your opinion that the blowing up of this mill was contemplated sufficiently long in advance to permit the parties who prompted or committed that crime to make such preparation for it—send for amunition, etc.?—A. They didn't have to send for it.

Q. Where did they get it?—A. They did not own the dynamite; the dynamite did not belong to them; it belonged to the Helena-Frisco Company. The mining company has its company magazine, in which is stored the dynamite in large quantities, and from the magazine it is taken into the mines in small quantities for daily use.

Q. Was the Helena-Frisco Company magazine broken open by these people and an amount taken from it such as you have named, without the knowledge of the company?—A. Yes; I am not certain whether it was broken open or whether they had a key and went in and took it. I have not learned whether the door was broken open.

Q. Have you understood from anyone whether they had a key or secured a key to open that magazine?—A. No; that matter has never entered my mind before—whether they had a key and went in or whether they broke the door open.

Q. You have no advice to give this commission tending to show that anybody was implicated in this affair other than the men who went there and took the dynamite and blew up the mill?—A. No; I have not. I have heard vague rumors but not sufficient to be put in evidence.

Q. Do we understand that the relations between the miners and the mining companies prior to this trouble of April 29, 1899, were agreeable to both parties, with the exception of the Bunker Hill and Sullivan Company?—A. Yes.

Q. Do we understand that these relations would still be maintained were it not for the use of this so-called permit to-day, in all probability?—A. Yes, so far as it relates to the relationship that exists between the mining companies and those who did not participate in the raid on April 29, 1899. I don't think the mining companies in this district would have retained in their employ any person whom they knew went to Wardner on the 29th of April. I think they would have discharged them anyway, except probably a large number whom they knew were excited and went out of curiosity. You will understand that as soon as these men started to Wardner it broke up the day shift, and every man that could get on the

train got on it. When the train came here to Wallace some thought they were simply going to make a demonstration, others said they were going to run the nonunion men out, others said they were going to blow up the mill, and there was a multiplicity of opinions. I made an effort to get on the train, but it pulled out before I got to it, and so I went to Wardner on the passenger about 4 hours later and saw the explosion. I took no part in it, however, and don't approve of that way of making a labor fight. And with respect to the relationship between the mining corporations and their employees who did not participate in this outrage, had it not been for the permit that relationship would not have been disturbed, and that relationship covered the great body of employees in this district at that time. In fact, one mine operator, Mr. Frank Culbertson, manager of the Tiger-Poorman mine at Burke, made a contract to recognize his men after the permit was called off, providing the men would stay while the permit was on, but the governor of the State boasted that he would keep the State under martial law for 2 years, or during the entire term of his office, if he could not otherwise destroy the miners' unions in this district.

Q. It is to be taken, then, from your testimony that with respect to the employers, outside of this one company, namely the Bunker Hill and Sullivan, and the employees who have been law-abiding and passive, the proclamation of the governor requiring this permit is equally objectionable to both sides, and that it is necessary for the mines to be idle, is it?—A. I think it is more objectionable to the miners than to the mine operators. I want to say that the mine operators would have accepted all their union men coming back to work, I think, all their faithful employees, had it not been for the permit. I want to say that it embarrasses both the mine operator and the miner, but it embarrasses the miner more than the mine operator, because the operator has other places from which to draw labor, and the miner has no other place to go to secure labor, and a large number of them are married men with families and could very ill afford to make a change; yet they would not sign the permit. Their reasons were that it was in violation of the statutes of the State and in derogation of their constitutional liberty; and that if they should ever lose their position here after signing the permit, they would be barred from employment in any union camp in the Rocky Mountain States or British Columbia.

Q. (By Mr. MANTLE.) You spoke of the pump men being forced to go to work. Do you know that to be true of your own knowledge?—A. At the point of the bayonet. I was not present at the time. I am swearing to what Mr. Culbertson, of the Helena-Frisco, told me. I am swearing to only what would in a court of record, I suppose, be permissible testimony. I don't know what the judge would rule; but Mr. Culbertson told me that he was in the meeting—and coming from the mining operators' side and from a mining operator himself, I took it to be reliable; and I also received the matter from the pump men themselves, and it was a general admission that nobody denied. In fact, Lieutenant Lyons acknowledged it.

Q. At the time of the destruction of the Bunker Hill and Sullivan mill were they paying union wages?—A. No.

Q. Were they paying union wages to any of their employees?—A. The union rates of wages in the Cœur d'Alenes is $3.50 per day for all inside men, regardless of what they are doing.

Q. Inside of the mill or mine?—A. Inside of the mine—the miners and shovelers, or muckers.

Q. They were not paying $3.50 per day inside of the mine; were not paying union wages?—A. No, they were not paying union wages. The mucker is an unskilled laborer.

Q. And on whose authority were the troops called into Idaho?—A. By the governor of the State.

Q. By whose authority are they now kept here?—A. By the authority of the governor of the State.

Q. How many miners are employed in the district where these troubles are?—A. Approximately 2,000.

Q. And you say about 800 went to Wardner?—A. About 800 men. But I should have qualified that statement, because there were nine cars, and it is difficult to crowd 800 men into nine cars. There were box cars and flat cars, and one coach, and at no time could I get aboard to see all the men who were on the train. Some were on the inside of the box cars, some on the bumpers, some on top of the cars. They were so located that at no one point could I see all the men.

Q. About 300 of them, you say, were armed with Winchesters and masked?—A. Yes, I think about 300 of them.

Q. Did any of these go from Wallace, or did they come from above?—A. I don't think anyone went from Wallace; they came from above; they came from Mullan, Burke, Gem, Blackbear, Frisco, and the little towns in the canyon, and were joined by men from the Bunker Hill mine.

Q. How many men have been brought in and put to work since this trouble from the outside on these permits?—A. About 450 men; in round numbers, 500.

Q. How many men are now working in the mines, do you think?—A. Well, about that number.

Q. Would the mine owners be willing now to have this permit order abrogated?—A. I have not consulted them at this time.

Q. You don't know?—A. Not at this time.

Q. You spoke about the wives, daughters, and sisters having been denied the privilege of seeing those who were dying in imprisonment; how many of them died under this imprisonment?—A. I don't know how many have died. Only two or three or four have died. But the impression I desired to convey was that persons who were at the point of death—for instance, Mrs. Johnson, right here at the Banquet Restaurant, where most of our people take their meals, can give you full testimony on that subject. When Mike Devine was dying he asked that he be permitted to see a friend, that he might make a disposition of his personal property, and that was denied. When he was dying, when he realized that he was at the point of death, he asked that a priest be permitted to come and see him, and the privilege was denied him, and it created considerable dissatisfaction. Louie Larson lay at the point of death for many days—I think we received news of his being at the point of death, and friends who desired to see him were denied the privilege.

Q. There has been a great deal of trouble here for the last 6 or 7 years between union and nonunion men, has there not?—A. No.

Q. Has there been any trouble?—A. Not since 1894. In 1892 there was excessive trouble—riots, and a mill was destroyed. In 1894 there was some trouble at the Bunker Hill only.

Q. Was it alleged that the miners' union destroyed the mill of this company?—A. I don't know whether it was charged to the miners' union or not. It was a war in 1892. The mine operators first brought in the guns; guns were first introduced into this district by the mine operators themselves; but I was not a resident here at that time. There was what might be considered a pitched battle on the 11th day of July, 1892. Men were killed on both sides; it was analogous to the Homestead trouble.

Q. I understand that you express the opinion very emphatically that this raid, destruction of the mill, and murder of men was one of the worst blows that could have been struck at organized labor?—A. Yes; and detracts from the respectability and honor of organized labor.

Q. (By Mr. KENNEDY.) You don't mean organizations generally; you mean the organized labor of this district, don't you?—A. I think it leaves a stain on the character of organized labor throughout the entire country, in so far as the press is able to fasten the public mind on it and mold public sentiment. The dominant press of the country charges this crime to organized labor, and it reflects upon the character of organized labor.

Q. But that would be an unjust reflection.—A. Certainly, it would be an unjust reflection, for I don't think organized labor is responsible for it.

Q. In speaking about this lieutenant who entered the pump men's hall and forced them to go to work in 10 minutes' time, was it the lieutenant personally who did this or the civil officers?—A. No; it was the lieutenant personally—Lieutenant Lyons.

Q. Was there no civil officer with him?—A. Not to my knowledge; I think not.

Q. There might have been, but you don't know?—A. Lieutenant Lyons at the time gave the orders orally, but did not execute them, because the men surrendered and returned to work.

Q. You know that by hearsay?—A. Yes; I know it by hearsay, but the hearsay was general and never contradicted by anyone, but admitted by all, and I considered it an absolute fact.

Q. Were these permits issued to the men by officers of the Army or by civil officers?—A. Civil officers.

Q. That permit to work is given by the civil and not by the military officers?—A. Yes.

Q. You stated that you left here 4 hours after the mob went down the canyon and arrived there in time to witness the destruction of the property?—A. Yes.

Q. You had a sheriff in this county at that time, did you not?—A. Yes.

Q. Where was he?—A. He was on the train going down with them.

Q. For what purpose did he go?—A. Went down to see if he could not stop the raid. He did not know what was to be done.

Q. Was there no opportunity for him to gather a posse and to turn these men from their purpose?—A. No; I don't think there was any opportunity. In the first place, the Bunker Hill Company had a company of men armed for the protection of the property—their own employees who did not join the union, and there may have been some union men among them; so far as I know there probably were. I don't know whether they did or did not belong to the union, but somewhere between 100 and 200 of the Bunker Hill employees were armed for the protection of the mine and the property, and the sheriff and civil officers relied largely on them to protect the property against any assault; but the assault that was made was a complete surprise—like a flash of lightning out of a clear sky—and yet when they learned that the men were coming down from Canyon Creek and Mullan, the armed guards of the Bunker Hill Company went over the hills and made a very hasty retreat and retired in disorder.

Q. (By Mr. MANTLE.) Before a shot was fired?—A. Before the arrival of anyone.

Q. (By Mr. KENNEDY.) You knew the men were coming some time before the train arrived?—A. No.

Q. Didn't you hear any rumors around here?—A. No.

Q. There was no intimation whatever until they arrived in this town on the train?—A. No. In the morning about 8 o'clock, as I came to my office, I learned from the superintendent of the Standard, Mr. Harry Allen, that the mines on Canyon Creek were closed. I learned that through the Standard office here. My curiosity was excited to know whether they were closed by order of the mine operators or by order of the miners, but I didn't learn. After that, about an hour later, the train rounded the curve and came into the depot, and that was the first intimation we had.

Q. You stated there was no obstruction to civil process here prior to the arrival of the militia. Could you state whether there would have been any arrests by the civil authorities following that outrage had not the militia been called in? Would you believe that anybody in this district could have given information upon which the civil authorities could have acted?—A. Yes, I think a reasonable attempt would have been made to arrest and punish the perpetrators of the crime. I can not say, but I don't think it would have been as successful had not the soldiers been brought here, and we don't make any objection to their bringing the soldiers here, but we want the soldiers to act in subordination to the civil authority, and perform police service, maintain peace, and protect life and property, and that is all.

Q. Has not your testimony been to the effect that they have been acting subordinate to the State authorities; that what they have done has been under the direction of the State authorities?—A. No; I wish to say that the State authorities employed the military authorities to do acts in all respects un-American, and acts and outrages that could not have been perpetrated by the civil authorities had they not been supported by the military forces of the United States Government.

Q. You say the State authorities employed them to do that?—A. Yes; and the responsibility rests with the military so far as the military forces consented and volunteered to commit outrages and did commit outrages while in the employ of the civil authorities, in violation, as I honestly believe, of their orders from the War Department.

Q. From what you know of the situation and of this crowd, would you say that if Idaho had had an available militia sufficient to perform the work that has been performed by the Federal soldiers the same course would have been pursued? Would the State soldiers have come in and done the work the Federal authorities have done?—A. I don't know. I don't think the State soldiers would have been as cruel and heartless and murderous as the colored companies that they first introduced in this district early in May?

Q. Did they murder anybody?—A. No; they didn't cold-bloodedly murder anybody, but they inaugurated an inquisition.

Q. Colored soldiers?—A. Yes. They arrested a man in this town, put him in a box car down at the lower end of the yard, and gave him no dinner. At night they took him to the bull pen at Wardner. They gave him no supper. He complained that he was hungry; they threw him in the pen and bayoneted him, and mocked him when he complained that he was hungry; and the captain in charge said: "A damn sight better men than you have gone without supper;" and it was not until 11 o'clock the next day that the man got anything to eat. I don't think the State militia would do that.

Q. The captain was a colored man, was he?—A. No. I have forgotten his name.

Q. Were not the officers of the company white men?—A. Except some sergeants, I think all the main officers were white men.

Q. Were not the arrests you spoke of made by order of the officer of the colored soldiers?—A. Yes; I think so. I don't know for certain, but I think so.

Q. Private soldiers do not make arrests of their own volition, do they?—A. I don't know. I did not have any personal experience. I was not arrested.

Q. The soldiers are here by authority of the Constitution of the United States, are they not?—A. Well, I am not prepared to answer that question.

Q. You know that there is a provision in the Constitution that makes it mandatory upon the President to send militia into the State upon demand of the governor of the State?—A. Is not that qualified?

Q. What I want to ask you is this: Will not the militia leave this State as soon as the governor of the State of Idaho makes up his mind that he does not want them any longer?—A. I presume so, yes.

Q. The military régime will be lifted by the governor when it is lifted?—A. The governor of the State of Idaho uses the United States soldiers for illegal and unconstitutional purposes, and the orders of the War Department specifically define the duties of General Merriam in this exigency, and yet by some means, by some authority not known to the public, the commanding officers are permitted to continue the violations, or were permitted to continue them week after week—the violations of the orders of the War Department and the violations of the laws of this country.

Q. Do you and the other citizens of this community realize that the troops will leave as soon as the governor is done with them?—A. I think they will, yes. Their mere presence is no grievance, and their protection of life and property and preservation of the peace, and their apprehension or rather assistance in the apprehension of persons reasonably suspected of crime are benefits that we welcome.

Q. (By Mr. MANTLE.) Your objection and complaint is that the military forces have exceeded their just authority at the request of the State authorities?—A. Yes.

Q. (By Representative BELL.) You say that organized labor condemns, in common with other citizens, the outrages perpetrated on the 29th of April?—A. Yes.

Q. I want to ask you if the miners' union or organization joins with officers in trying to apprehend the guilty parties?—A. No, for the simple reason that the line of criminality was not drawn on the raid on the 29th of April, or the destruction of the mill, or the killing of anybody, but the line of criminality was drawn at the membership in the miners' unions, and before this investigation is over material proof will be offered that to be a member of the miners' unions was sufficient evidence to warrant an arrest and incarceration. The orders were to arrest all members of miners' unions, and they were all arrested, together with others that were never members of a union. The soldiers even went into Montana, outside of the jurisdiction of the martial law proclamation, and arrested and brought people in here.

Q. Did the miners' union ever make any offer or suggestions that they would aid in apprehending the real criminals?—A. I don't know. You will have to get members of the miners' unions to answer that question.

Q. Well, don't you believe, as an organizer of labor, that when criminals develop in their organizations they should be the first to assist in apprehending them?—A. I think most likely, yes.

Q. Now, you spoke of the sheriff being on that train. What did he do, if you know, after he reached Wardner?—A. He delivered an order to the men, a sheriff's order. I can not give the form of it, but it was a prohibitive order.

Q. (By Mr. KENNEDY.) Read the riot act to them; was that it?—A. Not exactly the riot act; it was a surrendering order.

Q. (By Mr. MANTLE.) I suppose a command to keep the peace?—A. Yes.

Q. (By Representative BELL.) Did he attempt to disarm these 300 men?—A. No, not as I understand it. They simply put him under a guard.

Q. They took him in charge?—A. Yes. As I understand, from what I could hear, they stood him up in the corner of a box car with his face to the corner and a gun at his back, and didn't allow him to turn around. After they got to Wardner he went out to deliver his orders, and they simply took him in charge to prevent him from doing anything.

Q. Where did he reside?—A. Here.

Q. Where did he get on the train?—A. Here.

Q. Did he have any assistants with him?—A. No; his deputy was in Wardner at the time.

Q. Only had one deputy?—A. Yes, at Wardner.

Q. Where is he now?—A. In the bull pen.

Q. Under what charge?—A. No charge whatever; surrendered to them in court here day before yesterday.

Q. What reason did they give in court or elsewhere for holding him there?—A. No reason. The deputy sheriff, Tom Heany, is the ex-sheriff of this county. He made one of the most efficient and satisfactory officers the county ever had. Both citizens and mine operators praised him for his official acts, his good conduct, and efficient service. He was the deputy sheriff at Wardner, and was under the direction, or rather acting under the advice, of the Bunker Hill people and Mr. Burbidge; and when it was learned over the telephone that this train was headed for Wardner, at their suggestion he remained at the town. Understand the concentrator is at least 2 miles from Wardner, at Wardner Junction, or a little town called Kellogg, and it was not known and could not be known whether this raid was intended for the mill or the mine. The supposition of the company, according to their actions and suggestions to the deputy sheriff, was that the raid would be made on the mine, and they therefore desired the deputy sheriff to stay about town. Men with arms in the employ of the Bunker Hill Company immediately went to the mine, but instead of the mine the raid was on the mill. After it was found out that the raid was to be made on the mill, even then no one could tell whether or not the raid on the mill would not also be followed by a raid on the mine. It was so hastily gotten up that no one had time to appoint deputies. The outward indication was that there was no trouble, but that all was over; that the Bunker Hill would not unionize the men and would not pay the rate of wages, the union rate, and that the result of the strike early in April would be the same as the strike of 1894, and that the union miners would have to wait a more favorable season before they could unionize the men or get the union rate.

Q. You spoke of the county commissioners also being in the bull pen?—A. Yes.

Q. What charge is against the county commissioners? There must be something that they have done or failed to do.—A. I submit in answer to that Bartlett Sinclair's own statement; his own interview, in his own organ, or the organ that is championing his side of the case [reading from Spokesman-Review of Spokane, Wash., dated June 16, 1899]:

"WARDNER, IDAHO, *June 15*. It was necessary to break up meetings of the county commissioners, and therefore Commissioners Boyles and Stimson were placed under arrest. With them in the bull pen a quorum of the board would be impossible, and that organization would be prevented from passing any orders pernicious to the public safety,' declared Bartlett Sinclair in answer to questions as to why the two men were detained in the bull pen here.

"'Why wasn't Simmons, the chairman of the board, also arrested?' Mr. Sinclair smiled slightly. 'That was one of the incomprehensible instances of executive clemency,' he added. 'He wasn't around when the other two were seized and it wasn't necessary to get him. Perhaps that explains it.'

"'Was the liberty of Stimson and Boyles dangerous to the community?'

"'Yes; we thought so. They might meet and incite the people of the county to overt acts, and they might order the disbursement of public moneys illegally.'

"'Could that have been stopped by ordering the treasurer not to recognize their authority in matters of county funds?'

"'Yes, that might have been effective; but we considered it better to place the two men in custody.'"

Q. Have they removed these commissioners from office since?—A. Yes; and for the same cause they can remove every other county commissioner in the State of Idaho.

Q. Remove the chairman?—A. Yes.

Q. Remove all three?—A. Yes.

Q. Remove the sheriff?—A. Yes.

Q. As a precaution, as you understand—they feared they might do something?—A. I think they did it through pure cussedness.

Q. They had committed no overt act?—A. No.

Q. They were on this train?—A. No.

Q. Were they at Wardner?—A. No.

Q. No criminal charge whatever?—A. No; the only charge they brought, or that had any relation to the raid of April 29, was that the commissioners didn't meet and take precautionary measures to prevent it. Being surprised as much as the Bunker Hill Company, or anyone else, there was no opportunity or time for commissioners' meetings.

Q. Did they acquiesce?—A. No.

Q. Did the sheriff or county commissioners seek to protect the people after the raid on the 29th of April?—A. I think they did everything they could do.

Q. In other words, did they commit overt acts?—A. No.

Q. (By Mr. MANTLE.) Though they feared no rebuffs?—A. You may not clearly understand. The day of the raid, April 29, was as peaceable a day in this community, in this mining district, as the day before the raid or the day after. All the men, after coming back on the train, after blowing up the Bunker Hill mill, went to work. The governor immediately put the county under martial law, sent the State auditor here to execute his orders and subordinate the civil authority. The sheriff could not act; the county commissioners could not act; the civil officers were subordinated; they were supplanted by martial-law orders and martial-law officers, and therefore simply rested in abeyance until the soldiers got their martial-law orders and everything organized. And the first thing they did was to throw a drag net over the district, arrested the county commissioners, and threw them in the bull pen. The attorney-general of the State came up here and instituted proceedings against the county commissioners, charging them with holding meetings in the city of Murray, 20 miles from here, on the 9th day of January last, and in that meeting drawing the jury that was to serve in this county; and claiming that it was an illegal act; and yet when the meeting was called at Murray it was the county seat; the people had voted to change it to this point; the snow at that time was 8 feet deep over the summit and the safes could not be removed; there was no place ready here; vaults had to be built; the county jail had to be prepared, and the county officers were all there. The law required them to meet where the county records were, and that was why they could not hold the meeting at this place. The county attorney advised them to meet there, where they would have access to the county records, so they met there and transacted their business, and drew the jury. The first charge made against them was that their acts were illegal, and yet the meeting on the 9th day of January was called by their predecessors. That was the meeting where their bonds were fixed. Then the attorney-general charged the board of county commissioners with having paid Mr. Simmons, one member of the board, $6,000 for repairing a clock, without any charge that the service was not faithfully rendered. He then charged the county commissioners with having paid another member $54 for road work, and the road stands there a living witness of faithful services. It was team work and was good work. These were the charges that they made, and they continued down until they reached the question of the bonds of certain county officers, and said that the county commissioners had approved bonds of county officers in excess of the amount on which the sureties on the bonds had paid taxes during the preceding year.

Q. Then they were not removed for omissions of duty during or immediately preceding or succeeding the riots?—A. No.

Q. But on some old technical charges?—A. Yes.

Q. Was the sheriff removed on some old charge or some recent one?—A. I didn't hear the trial of the sheriff. I was away during that time.

Q. Has Major Smith been in charge from the beginning?—A. No; I don't think so. If you mean Major Smith, who is now at Wardner, he was here last year. I saw him here last year. I have learned that Major Smith is a very satisfactory gentleman. Major Smith told Bartlett Sinclair, when he went away, that he would not be a party to the incarceration of persons against whom no charge had been filed, those persons against whom there was no reasonable suspicion of wrongdoing; and within the last 10 days he has released from the bull pen between 75 and 100 people in the absence of Sinclair.

Q. At present is there any odious act being done by the military, so far as you know?—A. No; I don't know of any at present, and so far as I have been able to learn, there has not been within the past few days.

Q. Your criticism is on the action of the military at the inception of the trouble?—A. Yes; during the first 5 or 6 weeks, or 4 weeks following the raid on April 29.

Q. (By Mr. KENNEDY.) Do you know who wrote this order that is signed "By order of the governor and commander in chief, Bartlett Sinclair, State auditor?"—A. No. That is the proclamation that was posted on the telegraph and telephone poles in this district.

Q. Who would you presume to be the author of that proclamation?—A. I assume the governor of the State of Idaho, Bartlett Sinclair, and General Merriam are the authors of it; at least General Merriam examined and approved it. It is quite evident that the General wrote it with his own pen.

Q. Who do you suppose is the author of the blank permits that are attached to the proclamation?—A. The governor assumes the responsibility for that.

Q. That order was the work of the governor?—A. I think so; yes.

Q. (By Mr. RATCHFORD.) I understood you to state that all the miners in this district, with the exception of the Bunker Hill and Sullivan miners, were members of the union prior to the trouble of April 29?—A. Yes.

Q. And that there are about 2,000 members only, approximately?—A. Without reference to miners from two allied organizations. I think there are more if you take the outside organizations.

Q. What is the whole number?—A. I don't know.

Q. Three thousand?—A. I don't think that many; between 2,000 and 3,000.

Q. There were 800 men on the train when it passed through here en route for Wardner the morning of the raid?—A. I said 800; but, as I understand, there may not have been more than 400. No one could tell how many were on the inside of the cars.

Q. Is it your opinion that all the men who were on that train had a previous knowledge of what was going to take place, and that they were going there with the understanding that they were to be parties to this destruction of property?—A. No, I don't think that one-third or one-quarter of them knew anything about what was going to be done; nor did more than one-fourth of them participate in any act of violence; they stayed on the train, on the cars and about the train, and the crimes were committed half a mile distant down the track. When I got to Wardner on the passenger train 2 hours later, and just preceding the explosion, the men who were participating in the crime were out there at the mill away from the train. You could hardly perceive much, from the appearance of the train when it went through here, there were so many people on it; and a number could have joined them—the number could possibly have been doubled and still have been hardly perceptible to the eye.

Q. Were these that got off the train restrained, or was there no effort made to restrain them from any act of violence?—A. I don't know.

Q. You have not learned of any?—A. I don't know whether there was or not.

Q. What number left the train and went to the mill?—A. I said that about 300 wore masks and carried guns; but I think that that is undoubtedly a mistaken statement, because when they came back after the explosion to the train, they got up and stood on the flat cars and box cars. I was on the ground by the depot, and when the discharge of Winchesters began to become incessant I got on the train where they were, as safety required it.

Q. (By Mr. MANTLE.) The men were shooting off their guns at the train?—A. At nothing.

Q. I mean the men on the train?—A. Yes; there was a general firing of shots.

Q. (By Mr. RATCHFORD.) Was the mill that was destroyed in operation on the day of the explosion?—A. No; everybody had deserted it hours before; they deserted the mine.

Q. The charge of destroying that property has been credited to organized labor, has it?—A. Yes.

Q. This commission would like to know from you, if possible, or from other witnesses that come before it, how that charge can be successfully refuted? If there were between 2,000 and 3,000 organized men in this district prior to that time, and about 300 of these men took part in the destruction of this property, how can the charge made against the organized workingmen of this district be successfully refuted?—A. It can be successfully refuted by the fact that the proposition of destroying the mill, or doing other acts of violence, was never proposed in the labor union, was never discussed in the labor union of this district, and was never authorized, counseled, or advised by the officers of the union; that the crime was committed by an aggregation of individuals irrespective of the union. I was in the Gem union on Friday night, April 28, the night preceding the raid in the morning. There were present only the ordinary members, numbering probably between 60 and 100, and the order of business was carried out in its usual form. The question of sick benefits, hospital credits, dues, etc., was discussed. A large part of the meeting was taken up on the question of purchasing a monument to Tom O'Byrne, who was the leader of the strike in 1892, and who was respected by the members of the union and by the mine owners. The mine owners and operators themselves had contributed some of the funds for the purchase of his monument. I was commissioned to purchase the monument, having been a marble-carver and builder during 11 years of my life. I went to Spokane to make the selection, and came back with figures, and went to submit the matter to the union, and we spent a long time discussing it, and the proposition was accepted. That was the character of the work that the union transacted in my presence. There

was no reference made to the Bunker Hill trouble, save what I said myself in a short talk to the union—that the Bunker Hill trouble now being over we could not unionize the men then, but would have to wait for other opportunities to strengthen our membership and use our moral suasion. I talked to the union a short time along the line that the mill was now being operated, and the mine was being operated, and there was no use to fight any longer; but that we could now give our attention to local affairs, and all of that sort of thing. There was nothing said that bore on the question of any trouble or violence or any raid or any riot or any intimation of that kind. Nothing was said or done there outside of the regular work of the organization, except what I said myself. There was no committee from any other union or anything of that kind.

Q. Did you, or did you not, state that General Merriam confiscated the records and property of the local unions?—A. No, I did not say that.

Q. Or words to that effect?—A. The records of the Burke union were confiscated—records of the treasurer; but I don't know how or on whose authority.

Q. Were the records of the other unions confiscated?—A. I don't know whether they were; but they took everything in the hall at Mullan, even to the baggage of a theatrical company.

Q. Soldiers and troops took them?—A. Yes.

Q. The question I am leading up to is simply this: If action had been taken by the local unions, or any of them, in connection with the destruction of this mill, and the records had been seized or confiscated afterwards, is it not likely that such records would be made public; they would be in the hands of parties who would make them public?—A. Yes, I think so. It is impossible to organize a trade organization upon the present basis of membership and have them all criminals (and the membership of the trade organizations must all be criminals and all have criminal intentions to make a secret plan and plot to do crime), and those who are opposed to crime—the law-abiding, peaceable citizens constituting the membership of each local union—would expose it in a moment, and the other members, if there was any criminal intent. For that reason it is impossible for a trades organization to conspire to do crime. If it is done by members of trades organizations, it is done entirely independent of the unions or organizations themselves.

Q. You spoke of an arrest being made in Montana by State or Federal troops. Was that arrest made in that State without consulting the proper authorities of that State?—A. I don't know, I am sure.

Q. Have you seen or heard anything indicating that they were consulted?—A. I saw some newspaper articles on the subject. I was under the impression that the governor protested against it, but I am not certain.

Q. (By Mr. MANTLE.) Have the unions been permitted to hold any meetings since the raid in this district?—A. I don't know whether they have been permitted to hold any meetings or not.

Q. Do they hold meetings?—A. They do hold meetings.

Q. Do they hold regular meetings?—A. I think not. I have not been inside of a union meeting since.

Q. Has any official action been taken since by the unions deprecating the raid?—A. I don't know, I am sure. I was up in our union at Gem just a few minutes preceding my departure for the East.

Q. There has not been any public demonstration of the members denouncing the blowing up of the mill?—A. I don't know; I have not heard of any. The fact of the matter is, I don't think there is a union in this district now that has an acting quorum.

Q. (By Mr. KENNEDY.) Are any of the miners in this district now forming other unions, different from the union which was in control here previous to this riot?—A. Not to my knowledge. They may be, but I have no knowledge of it.

(On July 28, 1899, at 4 p. m., the witness again took the stand and resumed his testimony as follows:)

The charge has been made here, and sustained by testimony, that the miners' union was a lawless organization. On this subject I have already testified to a considerable extent. It has been stated that at no time, when outrages were committed or lawless acts perpetrated upon the innocent citizens, did the miners' unions of the Cœur d'Alenes make any protest or express their opposition to it. I wish to say that last October, when Mr. Dan Conner was run out of Canyon Creek by armed men, he was a member of the miners' union at Burke, in good standing for some time, and if run out of the canyon by the miners' union it was a case of running out one of their own members. Conner came to Wallace, and I think one of the first places visited by him in the county was the office of the

Idaho State Tribune, at that time the official organ of the Western Federation of Miners. I sat with Mr. Conner a long time, and questioned him very extensively as to the identity of the parties and the circumstances surrounding it. He contended that it was not an act of the miners' union; that the cause of his treatment was purely a personal matter between himself and the 4 men who ran him out, and I wish to read his statement in the issue of the Idaho State Tribune of October 29, 1898. (Reading:)

"We have been in the labor mov .nent for nearly 20 years, and have taken an active part in all the great national labor strikes in this country during the past 10 years. We will fight as long and as hard for the just claims of labor as any other man in America. But we will not support lawlessness and crime even when committed by or in the name or labor. The outrage committed at the Standard mine last Friday night was a disgrace to the entire community. The 4 masked men who, armed with revolvers, seized Dan Conner, a shift boss for the Standard mine at Mace, and forced him to leave under threats of death, committed a crime for which they should be given the full penalty of the law. The miners' union, however, should not in any wise be held responsible for the crime. In conversation with Mr. Conner he stated positively that the whole affair was the outgrowth of a personal matter between himself and the 4 men who assaulted him, and that the miners' union was not concerned in the matter one way or the other. Nevertheless, a most revolting crime was committed, and if Mr. Conner's identification of the perpetrators is correct, it was committed by men who were at the time or had been members of the miners' union. Therefore, in our opinion the miners' union should make every possible effort to bring the offenders to justice and place its seal of condemnation on all such villainous crimes. Handicapped as they are by the refusal of Mr. Conner to sign a warrant for the arrest of the offending parties, they should show their good intentions and their respect for law and order. No honorable labor organization can afford to commend even by its silence a crime committed by any of its members. Dan Conner may have been a very offensive shift boss. We have made no inquiry concerning his standing with the workmen, but if he was the meanest man in all the world there was an honorable and peaceful way of displacing him for a more agreeable person. Labor can not expect honorable treatment by encouraging dishonorable acts."

In the same issue and without the union knowing the contents of that editorial, or what the editorial complexion of their organ would be on the subject, the Burke Miners' Union, the union to which the Standard employees belonged, and to which Dan Conner belonged, in which he held membership, passed, previous to the issue in which said editorial appeared, the following resolution, which resolution appeared in the same issue of the Idaho State Tribune with the editorial I have just read. (Reading:)

"ALL HONOR TO BURKE MINERS' UNION.

"The Burke Miners' Union expresses its rigid adherence to law and order. It throws the lie back into the teeth of the Spokane Review. It does all that any honorable body of men could do to maintain its standing in a peaceable, law-abiding community. All honor to the men who came to the rescue of the honorable organized labor of this district. The public will commend them for this manly stand taken, and there is not a labor organization in this country that will not stand with the Burke union. Following are the resolutions which Burke sends to the public through the Tribune:

"'Whereas it has come to our notice that 4 masked men on the night of October 21 took Mr. Dan Conners from the Standard Mine and ordered him, under penalty of death, to leave the Cœur d'Alenes inside of 3 days; and

"'Whereas this union holds no animosity toward Mr. Conners, who has always proved himself a true union man; and

"'Whereas the Spokane Review, with its usual virulence, attempts to lay the blame on the miners' union: Therefore be it

"'*Resolved*, That Burke Miners' Union, in regular session assembled, denounces in the strongest terms the perpetrators of this outrage, who have so violently disturbed the peaceable and friendly spirit which has so long existed between the mine owners of this district and their employees in order to gratify their own personal animosity and spite; and be it further

"'*Resolved*, That Burke Miners' Union courts the fullest investigation of the matter and pledges itself to do all in its power to bring the guilty ones to justice, and be it

"'*Resolved*, That a copy of the above resolutions be sent to our official organ, the Idaho State Tribune, for publication.

"'PAUL CORCORAN.
"'JOHN MEAGHER.
"'D. A. MARTIN.
"'P. J. CORCORAN.
"'DAVID PORTER.
"'WILLIAM BOLAN.'"

Signed by Paul Corcoran, the man who has just been sentenced to 17 years in the penitentiary. I desire to submit this in derogation of the testimony of Dr. France and Mr. Burbidge, that the miners' unions are criminal organizations, as organizations. I also desire to say further that knowledge has just come to me from reliable sources of the arrest of Mr. William Powers, president of the Mullan Miners' Union. He was arrested while he was in the act of taking the stage in the city of Mullan for the purpose of appearing before this commission, and is now a prisoner and in the custody of the officers, and denied the privilege of appearing here, as stated by parties who, I think, are now in this room. I think the statement can be corroborated by citizens of Mullan now in this room that his arrest was for the purpose of preventing him from giving any testimony before this commission.

Q. (By Mr. KENNEDY.) Have you any idea of the facts about which this gentleman desired and intended to testify before this commission?—A. No; I know nothing of the context of the subjects he desired to treat; but it was told around Mullan that he was coming down here to testify before this commission. He approached the stage for the purpose of coming here and was immediately arrested, and is now in custody of the officers. He was arrested by deputies and soldiers on guard.

I have a few copies of the ritual of the Western Federation of Miners that I desire to submit, together with the constitution of the organization; and I desire to emphasize what I have previously testified to—that, from conversations with members of the miners' unions and citizens generally, I have to say that we do not object and never have objected to the introduction of the soldiers of the United States for the preservation of law and order; in other words, we want them to come here and assist in the arrest and prosecution of men guilty of crime. Our objection is based upon the fact that instead of doing that they come here and persecute our peaceable and leading citizens for their virtues, and that is our contention. We deny in toto that the miners' unions are lawless; we know they may have lawless members, the same as any other society; such may even be found in religious organizations.

I think it can be substantiated by reliable testimony that the effort to subvert the government of Shoshone County carried with it not only that, but an effort to perpetuate and restore at least $100,000 in bonds, the validity of which is now in litigation in the courts of this county. There is also a suit to dissolve an injunction now resting against the county treasurer, restraining that officer from payment of the interest on the ground that the bonds are fraudulent. By the displacement of the county officers and the county commissioners it is made possible for the holders of these bonds to have their case taken from the courts and their claim restituted and about $20,000 in interest paid to them, and their full claim allowed, of about $120,000, and paid to them, which, according to the rulings of the Supreme Court, which has just passed upon parallel cases, which claims were contracted in fraud.

Q. You have heard the statement of other witnesses before the commission in regard to the political affairs here. I think the commission would like to hear whether you believe as these other witnesses do in regard to the intentions of the governor to overturn the Populist majority in this county by the course he is pursuing?—A. I can only say from his acts. I can only judge from his acts and not from the word of the governor. It is claimed by the governor's friends that he has very strong Senatorial aspirations, and that in all probability, unless he gets the Shoshone County delegation in the legislature, it will be difficult for him to secure an election.

Q. (By Mr. MANTLE.) Do you yourself believe that politics has had anything to do with this movement?—A. Yes. I don't say politics is all there is in it. I think they are attempting several things that won't stand. I think they are attempting to revive a fraudulent claim and collect about $20,000 in interest against the county. They are attempting in the same action to dissolve the miner's union and in the same action to place a few of their favored friends in public office and change the political complexion of the county and to conserve

their political interests in the future. I don't think any better evidence need be introduced than the fact of this action being brought in the courts of Shoshone County to prosecute the county commissioners and to subvert the county government by the displacement of the county commissioners, against whom no criminal charges can be made. There is further evidence incidental to this conviction—they arrested the editor of the Mullan Mirror, one of the reform organs published at Mullan, Idaho, and put him in the bull pen, without any charge, unless the charge of sedition was made, the object being to destroy criticism. They afterwards confiscated the plant, or enough of it to destroy its efficiency, and denied the rights of the civil courts when a writ of replevin was granted, and refused to return the property or to leave it in court. The editor was kept in the bull pen for a long time and released without any knowledge of any charge and without any action lodged in any court against him. The gentleman is in this room. If the commission desires to hear from him he is ready to respond. But the circumstances surrounding the action of the authorities, both civil and military, indicate that their advances are very far-reaching, reaching far beyond the mere question of arresting, trying, and convicting men suspected of the crime of blowing up the Bunker Hill concentrator on the 29th of April, or the commission of any crime. It is a contest of itself against principles—politics against the people. I don't think I have anything more to say.

Q. (By Mr. KENNEDY.) Before coming to the Cœur d'Alenes I was of the opinion that the mining properties over which this trouble occurred were the properties of the Standard Oil Company. I gathered that information from labor men in Washington, D. C., and from reading the labor papers. Some of the witnesses wanted to have that fact brought out in the evidence before this commission, and we have endeavored to do so. The manager of this concern testified under oath and without any equivocation whatever that the Standard Oil Company had no interest in these mines, and I asked one well-informed man this morning and he replied that he thought it was no doubt true that the Standard Oil Company was not concerned in these mines. I think that the impression that has gone to the laboring men of the world very largely appears in the columns of your paper. I have seen some copies of it, one copy of which you submitted here yesterday, and I notice articles in that paper which I had seen copied in the labor press of the country. I should like to ask you whether you know, whether you can state of your own knowledge, that these properties are the properties of the Standard Oil Company?—A. I have no authentic record from which to make a statement as to whether the Bunker Hill property is owned by the Standard Oil Company or not, and my information on the subject is without authentic foundation. When I came here, business men, miners, professional men, everybody, said that this one mine was the Standard Oil Company's property; everybody charged it up to the Standard Oil Company, and I took it for granted that it was a fact and that the mine was Standard Oil property. It was not that, however, that raised any animosity toward that company. The relationship between the laboring people and the Bunker Hill Company would have been the same had it been positively known that the Standard Oil Company had no interest in it. The charge that it was the property of the Standard Oil Company was used extensively and generally admitted because of the prominence, the national prominence, of the Standard Oil Company and Mr. Rockefeller; and knowing that the Standard Oil Company has been extensively investing in mining properties, and especially in the iron mines, and extensively investing in a great many diversified industries, I thought it not at all unlikely that they were the owners of the Bunker Hill property. I was informed by Mr. William Morphy, an attorney of this town, a few days ago that he at one time saw the stock book of the company and he gave me the names, but I can not remember them now, and described to me the influence that has been had by the Standard Oil Company, and therefore I took it for granted that it was a fact that it was a Standard Oil property, but that fact didn't raise any prejudice in my mind against it.

Q. Would you not believe Mr. Burbidge and Mr. Finch, who stated under oath that none of these properties are properties of the Standard Oil Company?—A. Yes; and Mr. Burbidge and Mr. Finch could with the same degree of certainty and truth come on this stand and swear that the Tiger-Poorman is not the property of Mr. Glidden, for the simple reason that Mr. Glidden has recently made a transfer to Messrs. Clark & Sweeny. These properties or stocks are undergoing more or less transferring all the time, and changing with the markets, by reason of business transactions, the same as the stocks of any other companies are changing. The Standard Oil Company might have had a controlling interest in the Bunker Hill 6 months ago and might not have a dollar in it now, and 6 months from now they might be the sole owners of it. I have no reason to question the

honesty or truthfulness of the statements of the gentlemen who have testified that the Standard Oil Company has no interest in the Bunker Hill property.

Q. You don't think it would be wise to deceive the workingmen of the country on account of prejudice against the Standard Oil Company?—A. No. I shall desist from any further accusations of that character.

Q. (By Mr. MANTLE.) Mr. Burbidge testified that the Standard Oil Company never had been interested in that mine since he has been manager of it.—A. Yes.

Q. (By Mr. KENNEDY.) Don't you believe it would be a good thing for the workingmen of this district, perhaps, for the reason that the Standard Oil Company pays its men good salaries, if the Standard Oil Company had been the owner of this mine?—A. I have no such information concerning the Standard Oil Company. God knows they don't pay their men very well in their iron works in the Lake Superior district.

Q. The reason I said this was that we had some Standard Oil people before the commission in Washington, and their testimony was to the effect that they did treat their employees very well.—A. I think they do a certain grade of them.

Q. (By Mr. MANTLE.) Did any result follow the passage of these resolutions by the miners' union touching the outrage upon Mr. Conners?—A. No; for the simple reason that we could not get Mr. Conners to remain here. We urged him to stay, both the county attorney and myself, and become the prosecuting witness; and he being the only witness, without his presence the prosecution would be entirely useless.

Q. No one was arrested?—A. No. The prosecuting witness could not be secured and there was no one to appear against them. We could not induce Mr. Conners to stay in this town. We offered to give him every protection he desired if he would stay here.

Q. Nothing ever came of it?—A. No; and Mr. Conners immediately went away.

Q. (By Representative BELL.) Is your unskilled labor in Idaho usually organized or unorganized?—A. I would say unorganized, outside of the mining districts.

Q. How do the prices and benefits of organized labor reflect on unorganized labor? Does organized labor help their condition?—A. Yes; I think a striking example of that is the fact that unorganized labor is getting $3.50 per day all around here, and it is directly the result of organized labor.

Q. You have had numerous strikes in Idaho, I suppose?—A. I never heard of one outside of the Cœur d'Alenes.

Q. You have had them in the Cœur d'Alenes?—A. Yes.

Q. What has usually been the cause leading to these strikes?—A. I can only give you the causes leading to strikes in the Cœur d'Alene district. I have never known of a strike of any considerable proportions in Idaho outside of this district. Apart from the mining industries in the Cœur d'Alene district, Shoshone County, and the very recent developments at Buffalo Hump and Seven Devils, and down at Silverton, they are of very small proportions; excepting those they are all placer mines, and I have had no information of strikes there. They have had no strikes, at least in my experience both as presiding officer of the national labor organization and my residence here, together with my frequent visits to this part of the country before I resided here. I know of no great labor strike in Idaho outside of the Cœur d'Alene district; and the causes of the strike of 1892, which I believe was the first strike in the Cœur d'Alenes of sufficient size upon which to base an opinion or make a statement, were given in my testimony before this commission 2 days ago in detail—taking up the question not only of wages but of the assessment for medical purposes, the opposition to their employment of their own medical attendance, and the hospital fund, and their opposition to being required to board at company boarding houses, and to sleeping in company beds and rooms. They looked upon these things as an imposition upon their personal liberties; they felt that so long as they had earned their money they preferred to spend it as they pleased, and board and sleep where they desired.

Q. As a result of your strikes, have you had any importations of labor from other States or from beyond the United States?—A. In 1892 the mines were nearly all supplied by miners and laborers imported from other States.

Q. Generally, what were the nationalities of the imported men?—A. Well, I am not competent to answer that question, because I never made a canvass of that subject. I could only generalize as to nationality.

Q. What effect did that have on local miners?—A. I think a very unsatisfactory effect.

Q. Did it cause them to leave the country, generally?—A. Do you mean the strikers or the parties brought in?

Q. I mean when you imported new laborers, what became of your old?—A. In

this particular instance they stayed; but, usually, in a general sense, it means the abandonment of homes, separation of families, and a great addition to the army of unemployed.

Q. In dealing with your strikes, what have been the methods employed by the men and also by the employers—peaceable or otherwise?—A. Usually otherwise. To explain that—in so far as the Cœur d'Alene district is concerned the mine operators, like Mr. Carnegie did preceding the Homestead strike, usually take the necessary precautions; they generally, like Mr. Carnegie, erect search lights and put up barricades, and they usually employ a sufficient deputation of armed men; and it can be truthfully said that the operators first introduced guns into the Cœur d'Alene district, and, from outward indications, anticipated the action of the men and were prepared by armed forces to resist. This intensified the situation, exasperated both employees and the general public, and with force against force men become violent, and it usually results in the survival of the stronger.

Q. The men then import guns and meet these forces, do they?—A. Import them in anticipation of trouble and to meet force if force is applied.

Q. Have the men or employees ever tried conciliation and mediation?—A. Yes; the organized working people of Idaho, especially in this northern portion of the State, have always, preceding a strike, applied all peaceable methods, asked for arbitration, asked for meetings between representatives of the working people and managers of mining properties, and were usually denied both arbitration and conciliation and mediation. I would say that in 1892 there was an organization in the Cœur d'Alene district, known as the Mine Owners' Association, and the contest was between the Mine Owners' Association and the miners, or rather their employees; and preceding the strike of 1892 the employees of the mining companies sought every peaceable method to adjust the differences by either arbitration, conciliation, or mutual agreement.

Q. Did they succeed or fail?—A. No; they did not succeed by these methods.

Q. Then you would say that conciliation and mediation has been a failure?—A. No; not generally.

Q. You have an arbitration law in your State, I believe?—A. Yes.

Q. Does that provide for compulsory arbitration?—A. No; it is for voluntary arbitration.

Q. Does that law serve your purpose?—A. An application of it has been sought by the working people, and I don't know of a single instance where it has been accepted by the employers, and by permission of the commission I would like to have Mr. Young answer that question and credit it to myself, if he desires, as he served one term on the board of arbitration.

WITNESS (to Mr. James D. Young). Have employees accepted arbitration as a method of settling differences?

Mr. YOUNG. They do, so far as I know.

WITNESS. Were any cases submitted to them?

Mr. YOUNG. Never was any case submitted but this one at Wardner, to my knowledge.

WITNESS. Did they accept it?

Mr. YOUNG. They accepted of it; they were willing to arbitrate, but the management of the Bunker Hill mine was not.

WITNESS. The miners are always willing to arbitrate.

Q. (By Mr. RATCHFORD.) Were the other operators willing to arbitrate, outside of the Bunker Hill and Sullivan Company, in this case?—A. The other operators were not interested in this strike; only the Bunker Hill and Sullivan.

Q. (By Representative BELL.) What is your judgment of compulsory arbitration?—A. I am opposed to compulsory arbitration from principle. I don't think there is any such thing as compulsory arbitration. I think that when arbitration becomes compulsory it departs from arbitration and becomes adjudication, and assumes the form of a judgment of the court and must be mandatory upon both parties concerned, which, in my judgment, would be a gross restriction of civil liberty. I would favor a form of compulsory arbitration which granted to the employees concerned the right to accept the terms of the arbitration or reject them, with the penalty that if they rejected the terms of the arbitration they should immediately quit the service of their employers, and leave their employers unrestricted and free to employ others to take their places. On the other hand, I would extend the penalty to the employer to the extent that if he rejected the awards of the board of arbitration, he should close his factory, mill, mine, or whatever industry it was, until such time as he decided to accede to the terms. I believe in fixing a penalty with the arbitration; not a penalty that would restrict the liberty of the citizen, but one that would be binding. I am not prepared to say

that in equity and justice a penalty that would close a mill, mine, or factory would be strictly constitutional or just, but I am prepared to say from experience that if a penalty of that character was applied and could be made to run the gauntlets of the constitutional courts—relying upon the justice of the boards of arbitration, and I believe boards of arbitration uniformly have been just—no employer would suffer his industry to be closed as a means of avoiding the awards of a board of arbitration, and therefore it would not be necessary to apply a drastic penalty of that character.

Q. Have you had any experience with injunctions in connection with your strikes in Idaho?—A. No; we have not been enjoined in Idaho, strange to say.

Q. They have not been used in connection with strikes?—A. Not in this recent trouble. I am not certain whether injunctions were issued in the trouble of 1892 and 1894 or not; I don't know of any.

Q. (By Mr. RATCHFORD.) Have you been enjoined elsewhere?—A. Yes; I think we have been enjoined often.

Q. (By Representative BELL.) You have had some experience, then, with injunctions in strikes?—A. Yes.

Q. Can you give the general working of that remedy in connection with a strike, how it affects labor, whether justly or unjustly?—A. Court injunctions, both Federal and State, restraining labor from interfering with the property or the employees of employers are often given an interpretation and application far in excess of the ordinary restraining order of the courts; usually they are blanket injunctions; the terms employed in their construction are generally very plain. Employees are enjoined from congregating on highways leading to and from a certain property, and are enjoined from assembling or holding any public meetings or demonstrations in the vicinity of said property, and when an interpretation is placed upon an injunction by a court it is usually made to mean that a meeting or rather marching on the road 10 miles from the property is a violation of the injunction, because you can travel in a continuous direction without hindrance to any part of the property to which the injunction was made to apply, and an assemblage within 10 miles comes within the interpretation of being in the vicinity, and therefore labor has been made to suffer. And the right of free speech has been restricted; the right of peaceable public assemblage has been at times annihilated by reason of the sweeping interpretation placed upon the injunctions and restraining orders of the courts.

In 1894 I was served with a Federal injunction issued by Judge Jenkins, of Milwaukee, restraining me, together with a large number of others, from interfering with the receivers of the Northern Pacific Railroad in the operation of that road by the said receivers. I was restrained, together with a large number of others, from meeting with, conversing with, corresponding with, speaking to, or in any way communicating with the employees of the receivers of the Northern Pacific Railroad Company. I can not now repeat the entire terms of that injunction, but I know it was a very sweeping and arbitrary writ, which annihilated civil liberty within the radius of its application. I went to St. Paul and to Minneapolis, after retaining legal services, to violate the injunction. I must say that that injunction was so sweeping in its restrictive propositions that if I had had a brother working with the Northern Pacific Railroad and I had written him a letter saying that I believed he could do better in the service of the Lake Shore and Michigan Southern I could have been committed under its provisions.

Q. And in your judgment these writs generally operate against the employee as well as against the employer?—A. Against the employee; almost universally against the employee.

Q. Therefore you can say it has not been justly used toward labor?—A. No; it has not been justly used toward labor.

Q. And generally the abuses, if any, have always been extended in the direction of labor?—A. Yes.

Q. What is your wage system in Idaho; how often are payments made?—A. Payments are monthly.

Q. Is that often enough?—A. No.

Q. How often should they be made?—A. Once a week.

Q. What is the general idea of miners?—A. I have not consulted them on the subject, but I think a majority of the membership is for weekly payment.

Q. Would it be possible to make up the accounts of a great mine so as to make these payments weekly?—A. I think so.

Q. What would be the advantages of the weekly payment over the monthly?—A. I think it would result in a large saving to the working people. My experience has been that working people, largely abnormally developed in a muscular sense, have too limited time to study the economies of life, and when paid

monthly receive a sum of money which to them is in excess of the demands of their necessities, I should say, for the succeeding month; whereas if they receive weekly payments their pay comes much earlier, they have to calculate upon the exigencies and requirements of the week ahead, and they spend less money. Their families receive more benefit from weekly payments, because the payment is received nearer the point of an immediate expenditure for the necessaries of life, and less credit is needed; business is done on a cash basis; merchants are more prosperous, because there is less risk, and the goods are sold cheaper usually. All business where weekly payments are made is prosperous; more prosperous than where payments are withheld from wage-earners for a month. That has been my experience in large wage centers, and I have been an observer of both systems.

Q. What do you know of the store-order system in Idaho?—A. I have only a limited knowledge of the system known as the truck-store system. In some places they call it the "pluck-me" store, and in some the truck store. In this district it is called the company store. I think most of the large mine operating companies have stores run in connection with their industries.

Q. (By Mr. MANTLE.) Did you say the large mining companies here have company stores?—A. I know the Frisco has a store; I think the Tiger-Poorman has a store; I am not sure about the Morning; and I think the Standard has no store. I have not been at Wardner enough to know whether the Bunker Hill has a store or not.

Q. (By Representative BELL.) Do you know whether these stores operate for the benefit or to the detriment of the miners?—A. I have not canvassed that question in a local sense, and I don't know what restrictions or what demands are thrown upon the miners, as to whether they are required to trade at them or not. The general truck-store system carries with it an implied contract, the violation of which usually means the discharge of the employee. Employing corporations do not in specific terms require an employee to trade at the company stores, but the employee who does not trade at the company store usually receives a limited employment, and he is soon discharged from the service of the company for some imaginary cause. And it has been my experience that the employee who trades most at the company store is favored by the company in very many particulars, and very often he is given a most favorable position, where his earning capacity may be increased over the earning capacity of the person who does not trade so much at the store.

Q. How long have you been here?—A. Since the 1st of last September. I think I arrived in this State the last day of August; either the last day of August or the 1st day of September.

Q. Is this your first visit to the Cœur d Alenes?—A. No.

Q. Do you know how the wages at the present time compare with wages 8 or 10 years ago in mining?—A. Wages are higher than 8 or 10 years ago. Wages are higher than in 1891.

Q. To what do you attribute the increase in wages?—A. The influence of labor organization.

Q. You attribute it altogether to labor influence, do you?—A. Yes.

Q. How does the social, moral, and mental condition of the laborer of to-day compare with that of 10 years ago?—A. I think it shows a marked improvement.

Q. What influenced that?—A. The increase in wages, the permanency of employment, the possibility of the workers securing homes of their own, together with the possibility of their contributing in taxation to the support of institutions, schools, churches, etc.: the possibility of their erecting halls and public meeting places for themselves, securing public speakers and lecturers for lecture courses; and in many other ways they have improved themselves morally and socially. They are also enabled to maintain insurance policies for the benefit of their families and to enjoy the sociability of membership in good societies.

Q. Do you have the employment of any children in mines in Idaho?—A. I don't think so; at least not to any considerable extent.

Q. Have you any laws requiring children to go to school a certain number of weeks in a year?—A. I think not.

Q. Are the children of miners kept in the schools more generally now than they were 10 years ago?—A. Yes, I am quite certain of it. Efficient schools are being maintained here, and they have long terms each year, with very best teachers possible to procure, and the very best discipline is maintained. The public school of the city of Wallace is far beyond the average educational institution of an ordinary village of a similar population.

Q. What is the length of your labor day here; how many hours?—A. On the night shifts 9 hours, on the day shifts 10 hours, and in the mills 12 hours.

Q. From what time do these hours begin—from the time the men reach their

tools or from the time they reach the mine?—A. I can not be positive; I think the time begins when they start the shift.

Q. When they start from the boarding house?—A. No; but when they get to the mouth of the tunnel.

Q. Who stands the noon hours, the miner or the employer?—A. The miner, excepting the time required to go from the place of work in the mine, and the time required to get back from the mouth of the tunnel in the mine.

Q. You had an agitation of the 8-hour work day here?—A. Yes.

Q. (By Mr. MANTLE.) Is there not some lessening of these hours on Saturdays?—A. I guess there is. I think nearly all the mines work 9 hours day shift and 8 hours night shift.

Q. (By Representative BELL.) Has the 8-hour day been put in practice in Idaho?—A. Only the Saturday shifts in the mines.

Q. What is done with Sunday?—A. Miners and laborers work the same as any other day in the week.

Q. Have you any cooperative companies working mines in Idaho?—A. I don't know of any.

Q. What effect has immigration had on the mining industry of your State?—A. I can not answer that question, because I don't know to what extent immigrants have come directly here. I am inclined to think that immigration has had very little effect on the mining industry or laboring people here, from the fact that the district has been under the control of the miners' union almost universally, excepting the one mine; and those of foreign birth coming here, instead of making application to join the union, generally stop at some other place and secure their membership.

There has not been any importation of labor in violation of the contract-labor law or otherwise in this part of the district, although there are a large number of people of foreign birth working here of various nationalities—Italians, Austrians, Scandinavians, Irish, Dutch, and English, and in fact all the prominent nationalities of the civilized world might be said to be represented in the mining population of this district.

Q. Have you an employers' liability law in this State?—A. There is a statute, I think, covering that question, but to what extent it could be applied or called an employers' liability law I don't know, because I am not familiar with the statute on the question. I have never had occasion to look it up.

Q. Have you any sanitary or personal safety laws for mines?—A. Yes; we have a mining inspector in this State.

Q. Is one inspector adequate for the task of inspecting your mines?—A. I don't think so; never during my stay here have I heard of a visit, except one; that is, a visit from the mining inspector, Mr. Cizic, and that was a preliminary visit. He promised to return.

Q. Do you think of anything that you would like to suggest in the way of national legislation, affecting the mining industry of the entire country?—A. Well, I would beg to be excused from expressing my personal convictions on national questions of that character.

Q. Have you anything to suggest in the way of State legislation affecting the mining industry of your State?—A. I don't think of any suggestions that I care to make now.

Q. What would you say about the mining industry of Idaho generally; is it prosperous?—A. Yes.

Q. More so than formerly?—A. Yes.

Q. To what do you attribute this?—A. To the increased price of ore, the improved facilities for production, and the nearer proximity of smelters to the localities from which the ore is produced, together with the improved efficiency of labor. Very little hand work is now being done by the working people in so far as the drilling is concerned; pneumatic drills are now employed by the drillers and the holes in the rock are drilled with marvelous rapidity.

Q. Is it your judgment that capital invested in mining is making as good returns as it did 10 years ago?—A. Yes; I think better.

Q. Then it is your judgment that both capital and labor are deriving benefits from the improved conditions?—A. Yes.

Q. Wages are higher and capital is getting more remuneration?—A. Yes.

Q. (By Mr. MANTLE.) In your judgment, are what are known as labor laws in Idaho generally satisfactory to the laboring men? Do they protect their rights very well?—A. No, I don't think they are very satisfactory to the laboring men.

Q. Could you point out in what particular?—A. Well, the laboring people of Idaho would like some legislation on the line of settling differences between the

employer and the employee, without resorting to strikes. We would like to have conciliatory methods employed on both sides and encouraged by legislation.

Q. Have you nothing in the shape of arbitration laws which goes as far as it can without compulsory arbitration?—A. Well, I am not prepared to answer that question. I am not sufficiently familiar with the statutes of this State to express an opinion. We would like to have the general labor laws that labor organizations are advocating passed and put into practical operation in this State; and we would like to have an 8-hour law; and we would like to have stringent regulations on convict labor, for the protection of the laboring people.

Q. Does convict labor come in competition in any way with the mining labor in the State or with any other labor?—A. No, not at the present time. I don't think anything is manufactured at the penitentiary for public sale.

Q. Are miners' wages protected; are there laws provided so that their wages are assured?—A. There are statutory exemptions covering the wages of married men or men with families.

Q. I mean with respect to their wages—the wages coming to them; are they given a proper lien?—A. Yes; I think legislation has been provided for that.

WALLACE, IDAHO, *July 26, 1899.*

TESTIMONY OF MR. T. N. BARNARD,

Photographer, Wallace, Idaho.

The subcommission on mining met at 10 a. m. Chairman Bell introduced as a witness Mr. T. N. Barnard, who, being duly sworn, testified as follows concerning the labor troubles in the Cœur d'Alene mining district of Idaho:

Q. (By Representative BELL.) State your name.—A. T. N. Barnard.

Q. Place of residence?—A. Wallace, Idaho.

Q. And occupation?—A. Photographer.

Q. You have an art store here?—A. Yes: and several other places—Murray, Harrison, and Wardner.

Q. How long have you been in that business?—A. Nineteen years.

Q. And how long have you been in Wardner?—A. I came to the Cœur d'Alenes first in 1887, and moved to Wardner on the 1st of May, 1888.

Q. Do you claim your residence in Wardner?—A. No; my residence is here. I changed my residence from Wardner to this place.

Q. Were you here on or about the 29th day of April, 1899?—A. I was.

Q. What do you know about the condition of labor and capital invested in mining up to that time and since; that is, the relations existing between the miners and the owners of mines?—A. All that I can say is from my observation, and that has been that they are on fairly good terms, working in harmony, except as to the Bunker Hill.

Q. Your business relations put you in a position to see a great deal of the Bunker Hill and that part of the country?—A. Yes; I was there every month.

Q. You have often been about the mills and works, especially the mill that was blown up?—A. Yes, off and on, three or four times a year.

Q. What do you know about the trouble that took place on the 29th of April?—A. The first I knew of the trouble was when my assistant told me that there was a train on the track with a lot of men on it. The train went to Wardner and I heard five distinct explosions, and it was rumored that it was the Bunker Hill mill, and afterwards a message came over the wires that it was blown up. I was here in Wallace.

Q. Did you see the men on the train?—A. Yes, at a distance.

Q. Could you estimate about the number?—A. Well, I would say there were probably 450 or 500 men, although I know it has been estimated at 1,000; I don't know as there was any such number as that.

Q. Any armed?—A. Yes.

Q. Any of them masked?—A. Yes; those that were armed were in mask, that is, that I saw.

Q. Was that as they were going to Wardner or on the return?—A. Going toward Wardner.

Q. Did you see the men return?—A. Yes; I saw the train.

Q. Did about the same number of men return that went down?—A. I presume so. I did not get closer than 300 feet of the train, so I could not exactly say.

Q. Do you know whether they were still masked?—A. I could not say as to that; but I know I didn't observe as many masked men on this street here as I did when they went down.

Q. Did they come up the streets of Wallace?—A. Yes.

Q. Parade?—A. Oh, no; just stragglers from the train.

Q. What portion of those that were masked walked through the streets on the return?—A. I can not say that I saw a masked man on the street.

Q. Did they have their guns on the return?—A. I can only recollect one man having a gun; from my position, you understand; the train was down on the track and I was up here on the corner.

Q. They didn't come uptown?—A. Some of them didn't; they stopped at the saloons. They had locked the saloons and they could not get in.

Q. Saloons were locked up?—A. Yes.

Q. Did you go to the ground where the mill was blown up?—A. Yes; Sunday.

Q. What condition did you find the mill in?—A. A very bad condition; shattered and wrecked all the way round.

Q. Very bad wreck, was it?—A. It was, indeed.

Q. It would indicate to you that they used lots of dynamite?—A. It would; yes.

Q. You did not see the dynamite carried down?—A. No.

Q. Now, what took place after the wreck; did the riot continue?—A. No.

Q. It quieted down?—A. Yes; everything was quiet. The train came in here; I could not say how long it stood here, possibly 5 or 10 minutes, then went up the canyon, and everything was as quiet as Sunday.

Q. No shooting around Wallace?—A. Not a bit.

Q. Did the county have any officers here at that time?—A. Yes; a deputy sheriff was here.

Q. Sheriff was not here himself?—A. I could not say; I only recollect a deputy sheriff.

Q. What action did he take, if any?—A. I didn't see him take any. The city had an officer here. I recollect seeing him on the street at the time. One reason it was impressed on my mind was that I wanted to see what he would do, if anything. I had been placed in the position a year previous where I had the appointing of the police officials, and this fellow's appointment was urged upon me, but I didn't appoint him.

Q. Were you mayor the year before?—A. Yes.

Q. Of Wallace?—A. Yes.

Q. He did nothing?—A. No, not that I saw.

Q. Were you here when the military was brought in?—A. Yes.

Q. What do you know of the general conduct of the military authorities since they have reached Wallace?—A. To tell you positively what I saw with my own eyes would be very small. Most of what I know, to take that ground, is from the parties who were arrested, and what they have told me themselves.

Q. You have very little knowledge yourself of things as they have taken place?—A. No; I was never arrested.

Q. Did you see anybody arrested?—A. Yes; I saw two men in Wallace arrested.

Q. What were they doing?—A. They were doing nothing when arrested.

Q. Do you know what the charge was?—A. I do not. They were standing on the street when arrested.

Q. By whom were they arrested?—A. Soldiers.

Q. Any civil officer with them?—A. Yes; there was a civil officer with them.

Q. What was done with these men?—A. They were taken to the train, and, I presume, to the bull pen.

Q. Have you ever visited the bull pen?—A. Not to be inside of it; no.

Q. Did you ever see the prisoners there?—A. Only such as were outside doing chores and working.

Q. Never been inside?—A. No.

Q. Now, giving us the things you have seen yourself and that you know of your own knowledge, tell us what occurred relating to the local troubles; anything that relates to these troubles here.—A. To tell you what I actually know, not having access to but one side, I fear it would be difficult for me to do much, because I actually know very little. I never participated in any of the acts of either side, and consequently my information is all on the outside, so far as the real causes of the trouble are concerned.

Q. Well, you know from general history that you have had a board of county commissioners and a sheriff?—A. Yes; I know that.

Q. What kind of men are they?—A. Well, as to the commissioners, I always considered them good, straight, honorable men; I don't think anyone would question their integrity as a rule; I believe that they intended to do what was right.

Q. What would you say about the sheriff?—A. The sheriff was a good man although I consider that he proved himself weak.

Q. Inefficient?—A. Inefficient in this instance.

Q. Did he show any disposition to take charge of affairs, to keep the peace?—A. He didn't get out and make a strong endeavor, such as my mind would tell me was the duty of the sheriff to do, to prevent the train from going down. I don't think he could have prevented it, but I think it was his duty as an officer to make that endeavor.

Q. Do you know what he did do?—A. Only from hearsay.

Q. The general understanding is that he took no aggressive measures, is it?—A. No, not one; except such measures as going to the train and commanding them not to destroy property, and to disperse, and of course they refused to do that. So far as that is concerned, it is doubtful if any individual man at that time, if he had sworn in a dozen or 2 dozen, could have stopped those men, the feeling was running so high here. They might have prevented such extreme measures; but they were bent on going to Wardner.

Q. You think the men were determined beyond question?—A. I concluded that.

Q. Did they get many allies from here, from this town, as they passed through?—A. I don't think they did. It was rumored that there were some men that came from Mullan, and got on at the "Y" here, but I don't know of my own knowledge.

Q. What did the sheriff do after things had quieted down in the way of apprehending those who had participated in the crime?—A. I don't know that he did anything. That was where he was lame again.

Q. You didn't see any evidence of his making an aggressive effort to apprehend the offenders?—A. No, I did not. His deputy, Mr. Seysler, told me he was going to.

Q. From the time the trouble was over until the military took charge, was there any reason why a civil officer could not have apprehended the guilty parties?—A. No apparent reason.

Q. No one had refused to be arrested so far as you know?—A. No. The civil processes of law during the whole time of this trouble, and even during the day it existed, were in existence, in Wallace, except as to arresting these men with masks, which would have been done under ordinary circumstances, I presume. The military forces have never even interfered with the civil process in this city.

Q. You have never seen anything to indicate that the county officers, if they had done their duty promptly, could not have prevented the necessity of throwing the community under martial law?—A. No. If the county officers had done their duty promptly and efficiently, there would have been no occasion for martial law; at least there would have been no occasion for it, to my mind.

Q. Do you know anything about the system inaugurated here of requiring the miners to obtain a permit before work?—A. Yes. I have talked with the miners and read the permits, and notices, and proclamations.

Q. Do you know what effect that has had upon the mining industry of your community?—A. Yes, I think I do; I am satisfied in my own mind that it is a part of the effect; it is a part of the cause.

Q. Do you believe it is detrimental?—A. It has been demoralizing to both miners and miners' unions.

Q. What do the men who have had no part in it think; how do they consider the permit system?—A. They look upon it as an insult to a free American, to be asked to practically sign away what they term their birthright. They think they should be allowed to hire their services for a certain amount of money without receiving permits from someone else to work. It has had the effect of driving many of our best men from the country, because, as they express it in terms, they don't desire to beggar themselves by making application for a permit to labor. I have asked them about it when they were going out—lots of them were good friends of mine—and they said that they were satisfied with the country and with the employment and with the wages, and that they would come back when this permit system was taken off; but that they would not sign a permit to work.

Q. I understand you to mean that the men generally who have not participated in the riots protest against being compelled to sign these permits?—A. They are the ones that do protest.

Q. And by reason of that permit system your best miners are seeking other places of employment?—A. Yes.

Q. How does that affect the mining industry of your community?—A. It is injurious in its effects. Although the mine owners, as I understand, don't deem it injurious, I firmly believe it is injurious. I think it is as injurious to the mine owners as to the rest of the community.

Q. Don't you feel the effects?—A. Certainly; I don't think there is a business man in the county that don't feel the effects.

Q. Mining is your chief industry?—A. Yes; it is our only industry.

Q. And all other vocations depend upon the success of the miners?—A. Exactly.

Q. If the mines shut down, it is like blowing out a candle, practically?—A. It is, I think, on the same principle.

Q. What is the general sentiment of your community as to the necessity of martial law, so far as you can gather?—A. There is a difference of opinion upon that point. I think that a great many, possibly one-half of the community, believe that it was necessary to have the martial law. It depends upon the way we have of viewing it.

Q. What is the general idea as to the policy or justice of using these permits?—A. The general idea is that the policy of this permit business was the destruction of labor organizations, miners' unions particularly, and the Knights of Labor incidentally; that is the policy.

Q. And the effect has been to practically bar the union miner from getting employment?—A. That is the direct effect; that is the substance of the whole thing.

Q. Do you know of any considerable number of union men that will sign it, or that have signed it?—A. I do not; I have never talked with any that have said that they would sign it, except one, who was shift boss on the Empire State down here; and I have talked with a great many who absolutely say they will not work; that they will get work on the railroad before they will sign a permit.

Q. Are those men above suspicion?—A. Many of them, yes; no suspicion of their being connected with it whatever.

Q. The man who said he would sign it, did he say whether or not he was signing it under a kind of duress, or voluntarily?—A. No, he didn't say one way or the other. I have known the man a good many years and have always considered him a good honest fellow and a just man. His idea was that a man could sign the permit and prevent himself from having to move out of the country, and that he had a good position with the mine and he did not like to sacrifice it.

Q. Did he regard himself as under any obligation to keep the provisions of it after signing it?—A. He did not say so, but from the talk I had with him I don't think he did so regard it.

Q. Didn't he regard it as practically being under duress?—A. Yes. A young fellow, Mr. Murray, who ran the hoist in the Tiger Poorman told me that the men in charge told him, "Now, you just sign this permit; we want you boys to stay here; you sign this permit and keep along with your work, and as soon as the martial law is declared off the permit system will cease and you can go back to your unions." That is the particular argument that has been brought to bear upon the men to get them to sign the permit.

Q. Well, the violence resorted to in 1892 and 1894 created a great prejudice, did it not, against miners' unions by most of the employers?—A. Yes, it undoubtedly did. It was not peaceable in all the mines, and undoubtedly a prejudice existed.

Q. And a fear existed more or less that they might resort to destructive measures again?—A. I could not say as to that, but that is likely.

Q. You spoke of the martial law not being offensive if properly applied. Now, what is the understanding here, that it is not properly applied?—A. That is the manner in which we look upon it.

Q. Give us some of the excesses as you understand them.—A. I will cite an instance that came under my personal knowledge. I will give you the names so that if you have occasion to refer to it you may do so: John Chiddester, at the Standard mine, was summoned to appear at Kellogg, before the coronor's jury. He did so at his own expense. He was summoned the second time and he appeared again at his own expense and paid his railroad fare. He traveled about 20 miles each time and never received any compensation whatever. The next time he was summoned he told whoever summoned him, "You are knocking me out of my time; I am working everyday and I ought to have my expenses paid back and forth at least." For that remark or something similar to that he was put in the bull pen and kept there several weeks under no particular charge, and I went to Dr. France about it and asked him about it. I said, "You have no charge against that man;" and he said, "No, sir; I have not." I said, "What are you holding him for?" And he said, "He will probably be a good witness." I said then, "If you are only holding him as a witness, I presume you will accept bonds for his appearance as a witness?" He said he thought he would study it awhile and finally said he would agree to it. Then he said, "You will have to get your affidavits setting forth that this man was not a participant in the riots of the 29th of April;" so we had to secure the affidavits of the mine foreman, the master mechanic, Mr. Farrell, the timekeeper, Mr. Kline, and the bookkeeper, Mr,

Allen, and some other one, I don't now know who he was, but I think it was Mr. Shannon, the engineer.

Q. Those were all associated with him in his employment?—A. Yes; everyone of them.

Q. There was no suspicion against him?—A. No suspicion whatever.

Q. And by pressing this suit he was finally released. Did you go his bond?—A. I called the doctor up and offered to go his bond, and he told me how much the bond was, and I told him I had the affidavits, and said, "Name your bond and I will furnish it to you." He said, "Well, we will waive the bond." I read him the affidavits and the names of the men who signed them.

Q. Then they presumed he was guilty instead of the usual presumption that he was innocent?—A. That is the presumption all the way through with men in the bull pen; that they have to prove themselves innocent.

Q. Do you know whether that has been done?—A. I have talked with many that have been in the bull pen without a charge. Here is one of the pump men, who was in there something like 4 or 5 weeks, Mr. John Kelly. There was no charge against him, more than he told a fellow in Burke that he would be damned if he would sign a permit for any man. A deputy happened to be in hearing and he was put in the bull pen without any charge against him, and he was kept there until it pleased the authorities to release him.

Q. Do you know about how many men have been in the bull pen?—A. They ran the first month all the way from 300 to 450 men. If you ask one official how many, he will tell you 355, and another will tell you 324.

Q. Those are the men in charge?—A. Yes.

Q. How are they to-day?—A. I was in Wardner this last week and I was informed that they were releasing 10 or a dozen every day now; that they were reducing the numbers.

Q. Men that no charges had been preferred against?—A. Yes. They have been in there three months with no charges preferred against them at all. They did not know after they were released what they were in there for.

Q. Have you been permitted to visit men in the bull pen?—A. I have never asked.

Q. Do you know that they permit visitors?—A. Yes: they called prisoners out.

Q. When they were called out, would a guard be stationed close to them so that there would be nothing said but what would be overheard by the guard?—A. That I could not testify to of my own knowledge.

Q. Is there any other instance of abuse of power that has come under your observation? Have you had conversations with anyone in authority?—A. Well, I have had conversations with the sheriff in authority, but I only told him my opinion of the situation when I came to go on his bond. He has always been a good friend of mine.

Q. That is, the sheriff that has been recently appointed?—A. Yes.

Q. Do you know what charge was brought against the county commissioners and the sheriff?—A. Well, illegal acts. The county commissioners followed a precedent established by former county boards and their acts may have been in a measure illegal, but they were all small technicalities though.

Q. Removed by reason of technical omissions or supposed omissions of duty prior to this controversy?—A. Prior to these riots; yes. Of course it was impossible for them to have met and prevented these riots when they must give a 3 days' notice; the law requires them to give a 3 days' notice for a called meeting.

Q. There was no regular meeting at the time?—A. No regular meeting; no.

Q. Can you think of anything else that has come under your observation?—A. The thing that disgusted me more than anything else was when they put these two county commissioners and the sheriff in the bull pen without any charge and kept them there until they saw fit to bring them to trial for neglecting to perform their duties, and without allowing them their freedom.

Q. Gave them no opportunity to get bonds?—A. No; they could easily have gotten bonds if they had had an opportunity.

Q. (By Mr. MANTLE.) Are they in jail now?—A. The sheriff—I don't know whether he is there now or not. The commissioners were there a few days ago.

Q. In the bull pen?—A. No; in the county jail now. Their only offense that I can see is that they were unfortunate enough to have been elected county commissioners.

Q. (By Representative BELL.) No warrants against them whatever?—A. No. Their bonds were sufficient to cover any misdeeds.

Q. No warrants?—A. One of the county commissioners told me this. I asked him. That is the one at Wardner, Mr. Boyle. I said, "What do they keep you in there for, and what did they put you in there for in the first place?" He said "I

will tell you. They sent for me to go to the office of Sinclair; I went in where they were holding a meeting, and he handed me a paper and said they desired to have me sign it. I looked it over, read it, and found it was my resignation, and I said, No, I will not sign it." Mr. Sinclair turned away to the men and said, "You put this man under arrest."

At that time they took him down to a little shack built over near the bull pen, and then they put him in the shack in solitary confinement, and afterwards brought in the other commissioner and the sheriff, and would not allow them to talk to one another. It was raining at that time, and to keep dry they had to stand, and the first night they had no bed, and had to stand up to sleep and to keep warm. The roof was made of battened boards—battened roof—and the water ran in. They threw a little straw in there for them. Mr. Boyle told me it was impossible to lie down, because there was no place to lie down without getting wet. He contracted a very bad cold at that time, he told me.

Q. What position did Mr. Sinclair occupy at that time?—A. His proclamation says, "Representative of the governor and commander in chief."

Q. What was his official position prior to his appointment here?—A. State auditor.

Q. Now, would you think this conduct generally affects the industry of your community and business men?—A. It certainly does, and affects the good citizenship of the community as well.

Q. (By Mr. KENNEDY.) Has politics had anything to do with the changes of these officers, one set of commissioners being put out and another set put in?—A. I could not tell you for sure. While I believe so in this case, I do not know that it did.

Q. Were the new commissioners different politically from the ones deposed?—A. Certainly. The ones appointed were of a different political party from the ones that went out.

Q. They were of a different political complexion?—A. We have three parties in this county.

Q. They were of a different political party from the party that deposed them?—A. Yes.

Q. But you could not say positively whether politics had anything to do with the changes or not?—A. I have got my own opinion about it, but I would rather not say.

Q. What is the opinion of the community?—A. I believe the impression is that politics had something to do with it.

Q. What was the politics of the commissioners deposed and the sheriff?—A. Populists.

Q. What is the politics of the deposing power?—A. Silver Republicans and Democrats.

Q. And how about the politics of those placed in office?—A. The sheriff is a gold Republican, one commissioner is a silver Republican, and two commissioners are Democrats.

Q. Who appointed them?—A. The governor appointed the three commissioners, and the commissioners appointed the sheriff.

Q. What is the politics of the governor?—A. Democrat.

Q. You think, then, that the opinion of the community is that politics had a great deal to do with it?—A. There is a difference of opinion; many believe that to be a fact and others don't.

Q. When the new sheriff came to you to go on his bond you stated something about giving him your opinion of the situation, but you did not finish. Would you express the opinion you expressed to that gentleman?—A. That is the newly appointed sheriff. He and I have always been very good friends, and I felt at liberty to speak to him, because I felt I could do so without being put in the bullpen. A person had to be careful how he expressed himself around here until within the past two or three weeks, or he would be liable to go to the bullpen, no matter who he was or where he was from. I said to him: "There is no one in the county for whom I would rather do a favor than you under ordinary circumstances; but if I go upon your bond it will be putting the stamp of my approval upon the action of the authorities as they exist here at this time." I said it might be called law, but compared with anything the unions had done "you fellows can discount them in arbitrary measures; to take a sheriff and, after deposing him from office, put him back in jail without a warrant or any cause whatever so far as I can learn, and for the purpose of satisfying a caprice of the officials in power." We have been living under what we consider a military oligarchy here.

Q. Do you think that after the mill was destroyed the authorities would have

gone ahead and made arrests and have brought the criminals before the courts without the assistance of the military?—A. Candidly, I think the civil authorities were not either the people to do it or that they could not have done it. I think it was necessary to have some assistance from the militia, but I don't believe it would have taken much. I don't think they were all good. I think our prosecuting attorney was lame, and so was the sheriff.

Q. Had the people of this community and the officials been terrorized in such a way in the years gone by as to make them powerless to bring these people to justice?—A. In a measure; there is no question about that. The organizations have done things they ought not to have done, many times. While I was not a member of the labor organization, I have always felt kindly toward them, and have tried to urge upon them the fact that they should use their power and influence to make their members go in the right direction, because they were responsible in one way and another for the acts of the whole organization.

Q. Was there no attempt on the part of the county or State officials to preserve the peace or arrest the members of the mob prior to the calling of the Federal troops?—A. That was the first act toward preserving the peace. That is the first act I know of, and I was around a great deal. I was in Wardner the day after the trouble. Everything was quiet there, and they were looking down the track for soldiers. They were looking for them for 3 or 4 days before they came—before the commander in chief designated any soldiers for this community.

Q. How soon did the soldiers arrive after the riot?—A. I think it was 3 or 4 days. The raid was on Saturday, and I think it was about Wednesday before they came. They made their first arrest in Wardner and then went to Burke, and then took the drag net down the canyon, as we are disposed to call it, and they got a train load before they got to Gem.

Q. Do you know whether the soldiers have made any arrests without the cooperation of the civil authorities in any instances?—A. I did not see any of them myself; I could not say.

Q. Have you heard of any?—A. Yes; there were a lot of pump men at Burke. It was not really an arrest; it was a bluff by Lieutenant Lyons. He called a meeting of the men who had been pump men. They had quit because they supposed their places would be filled by permit men. They said, "If we are going to quit, we might as well quit now as any other time." The meeting was called, and after they were in the hall a guard of soldiers was stationed at the door, so they could not get out. He went before the meeting and said, as it was reported to me, "Gentlemen, I am no orator, and didn't come here to make you a speech. I want you to go back to those pumps. I was sent here to protect this property, and damned if I am not going to do it. I will go out and give you 5 minutes to decide whether you will go back to the pumps." That was giving them an inference that they might take their choice between the pumps or the bull pen. They went to work. There might have been a deputy there; I don't know; but Lieutenant Lyons was the man who did the speaking, according to my information. The foreman of the mine, Mr. Gill, could give you the information.

Q. You spoke about deputies; do you mean deputy sheriffs?—A. I don't know; there were probable a hundred around here on the corners.

Q. Who appointed them?—A. I could not tell you. They were mostly old employees of the Bunker Hill Company. There were men from all over the country, and they were known to be opposed to labor organizations.

Q. Were they supposed to be deputy sheriffs?—A. That is the title they went under. One of them told me he was a United States marshal. I suppose he was a deputy sheriff. He talked about being in the riots in 1892. He said that he was getting more money than he did before. He said, "I am a deputy United States marshal and get better pay," or something to that effect.

Q. Is it your understanding, in all instances where arrests were made, that these deputy sheriffs really made the arrests and were backed up by the military authority cooperating with them?—A. For instance, this deputy or United States marshal, or whatever he was, if they got 6 or 8 on the train and the train would come in, they would get off and walk around town, and if they saw a fellow they wanted they would step up and ask the soldiers to arrest the man. They directed the arrest in that way. A squad of soldiers, for instance, would come in on the train, and the deputies would come up and look over the squads of spectators and pump everybody, and if they found out a man they wanted they would go and get a corporal and arrest whoever they thought was deserving of it.

Q. Did they arrest any business men in this city?—A. No, I don't think they did; no citizens of the town not directly engaged in mining. There might have been some, but there were very few arrested in Wallace. They may have arrested a few laboring men, but they seem to give the town of Wallace a wide berth on

all of it. The military authorities recognized, though even under martial law, that the civil authorities here performed their functions just the same as though we were not under martial law, hired police officers, paid them, and went along just the same.

Q. (By Mr. MANTLE.) Are you the mayor of Wallace now?—A. No. I am not. I ceased to be on the 24th day of April.

Q. Last April?—A. Yes.

Q. Was there much excitement before this train load went down on April 29th?—A. None whatever.

Q. Any rumors of what was going to happen?—A. Not the least that I heard.

Q. What time of day did the train go down?—A. I suppose about 11 o'clock; somewhere along there.

Q. There had been no intimation beforehand of the blowing up of the mill?—A. Not until after the train had passed.

Q. Did you make photographs of the mill after it was blown up?—A. Yes.

Q. What was the general expression of sentiment after the blowing up of the mill?—A. Well, there was a difference on that. The majority of the citizens deplored it, and there were a few who applauded it.

Q. Did any of the business men applaud it—the citizens?—A. No; I don't think any of the business men applauded it.

Q. Who expressed their approval of the action, miners?—A. Well, I think it mostly came from rounders. They are always loud in their talk.

Q. Has there been a meeting of the citizens of Wallace, business men or miners or members of the unions, expressing condemnation of the blowing up of the mill and the taking of life?—A. Not up to this time.

Q. There has not been any since the occurrence?—A. No. In 1892 there was, but this year there was no meeting that I know of.

Q. How many miners were employed in the district prior to the raid?—A. I should say 1,500.

Q. Do you know how many have taken out permits altogether of the old miners?—A. No; I know there are very few.

Q. Do you know how many miners have been imported and who have taken out permits?—A. No; all that I know about that is what I read in the newspapers.

Q. Do you know how many are working in the mines?—A. I could not say as to that. I have been around the mines in Wardner and around the canyon; but you can not tell how many miners are in the district by being around the mines where they work.

Q. You have expressed the opinion, I believe, that it was necessary to call the military to preserve the peace?—A. No; not to preserve the peace.

Q. Well, to arrest the perpetrators?—A. Had the county attorney and the sheriff performed the functions of their offices properly, I doubt whether it would have been; but under the existing conditions I think it was best that the military was called in to make arrests.

Q. The failure of the civil officers to do their duty made the calling in of the military necessary, in your opinion?—A. Yes, under those conditions. There was no riot afterwards. I don't want to be understood as saying but what these civil authorities could have made any arrest they wanted to, and I am satisfied there would have been no violence had they made any arrests; but there would undoubtedly have been a shielding of the guilty parties, so that they could have skipped the country; and that was the only real necessity for having the military.

Q. It is claimed by the miners' union here that the crime was not committed by the organization, as an organization, is it not?—A. So I understand; yes.

Q. Is it likely that 500 or 600 men could be gotten together under the circumstances they were, armed and masked, and seize a train, outside of the miners of this district?—A. Under the conditions under which the organizations have been run in this country I think it is. They have by their submission and failure to help bring to justice men who have been guilty of running men out of the canyons and such things as that, and the killing of a few in the locality, more or less terrorized everybody; whereas I don't believe one man in ten who left his home and went on the train that day knew what that commotion was about.

Q. They have terrorized the community as well?—A. In a measure they have; and in a community where there is a strong labor organization the laborers, although innocent, wear the uniform.

Q. Is there, in your judgment, a necessity for the military here now?—A. None whatever.

Q. If the military should be withdrawn, would there be any danger of the unions taking aggressive action or terrorizing again?—A. I don't think so; they don't terrorize as much as that term would apply generally. There would be

some crowd that would have it in for some fellow. I think many times fellows have been run out of the canyon and the union would be as ignorant as I was. Disreputable men would use that as a means of getting rid of their enemies.

Q. Individual members would do that?—A. Yes.

Q. After the raid is it not a fact that many of the well-known miners belonging to the unions scattered and began to leave the country?—A. Supposed to; yes.

Q. Were many arrested who were thought to be leaving the country?—A. I have heard of a few out toward Murray at Thompsons Falls; but it was comparatively few.

Q. It has been stated in the press reports and local newspapers that there have been many complaints against cruelty practiced by the soldiers upon prisoners. Do you know of any instances of cruelty practiced aside from the instances you have recited here?—A. No. I know there was a great deal of complaint when the first arrests were made by the colored soldiers; but with these men in here now there has been no complaint.

Q. I understand there is no complaint now as to the conduct of the white soldiers, those succeeding the colored.—A. I have not heard any complaints since the colored troops were here. The complaints were long and loud when the colored troops were here.

Q. The burden of complaint of yourself, the business men, and miners is against the extremes to which the governor went; that he exceeded his authority in calling in the military and depriving men of what they called their legal rights, and compelling them to sign these permits in order to be employed?—A. Yes.

Q. That is the ground of complaint?—A. Yes; that is it, practically; we look upon that as extreme.

Q. You think that the State officials have exceeded their legal sphere or authority?—A. We look upon it in that way; yes.

Q. Who is responsible for this martial law and the soldiers being here?—A. I think the governor is directly responsible.

Q. The governor could relieve the situation immediately if he would remove the order?—A. I am satisfied he could; yes.

Q. (By Representative BELL.) I understand that you don't approve of the violent conduct of the 29th of April?—A. No; I do not.

Q. And that you believe the organizations should have been the first to assist in arresting the rioters?—A. Yes; they owed that to themselves.

Q. And that the organization should assist in apprehending the criminals?—A. Exactly. If they had the organization would now have the confidence of all law-abiding citizens.

Q. You spoke about the deputies being employees of the Bunker Hill Company. Now, do we understand that that mine is operated by nonunion men?—A. It was: yes. I had an opportunity of being acquainted with a great many of those fellows on account of my business connection in Wardner.

Q. You visited the mines often to get photographs?—A. Yes. I go to Wardner every month, and in that way I became acquainted with a great many of the people of the town, and have been acquainted there for the past 10 years.

Q. (By Mr. MANTLE.) Do you know whether the Bunker Hill and Sullivan mine was paying the union wages to their employees?—A. It was reported a few days be ore this trouble that they had agreed to pay and it was probably understood that they were paying nearly union wages.

Q. They were not paying quite union wages?—A. Nearly. Some influence had been brought to bear upon them until they had raised the scale of their wages.

Q. Were they up with the union?—A. The union rate was $3.50, and it was given out that they were paying $3 and $3.50.

Q. Then they were not paying union wages?—A. Lacking that half dollar.

WALLACE, IDAHO, *July 26, 1899.*

TESTIMONY OF MR. DANIEL N. GILLEN,

Miner, Gem, Idaho.

The subcommission on mining being in session on the morning of July 26, 1899, at Wallace, Idaho, Chairman Bell presiding, Mr. Daniel N. Gillen, being duly sworn, testified as follows concerning the labor troubles in the Cœur d'Alene mining district of Idaho:

Q. (By Mr. RATCHFORD.) Where do you reside?—A. My residence is Gem, Idaho.

Q. How long have you resided there?—A. Since a year ago in June.
Q. What has been your business?—A. I have followed mining since I have been up the canyon.
Q. Do you belong to the Gem union?—A. I do.
Q. Where were you on the 29th of April last?—A. I was at home on the 29th of April.
Q. Working in the mines?—A. No; I was on the night shift and slept most of the day of the 29th.
Q. Did you hear about the raid down at the Bunker Hill mill that day?—A. Not until I got up that afternoon.
Q. You didn't see the men go down?—A. I didn't see anything at all.
Q. Had there been any action taken by your union with reference to what transpired on the 29th?—A. There was no action of any kind taken while I was in the union. I was there, I think, two or three meetings previous to this trouble at Wardner on the 29th, and there was no action taken while I was there. I was working 8 hours, you understand; I would go to work at 11 o'clock at night, so that during the meetings I would usually go down a while; and there was no action taken; but I understand there was action taken to the effect that the union would give its moral and financial support to the strike at Wardner.
Q. There was a strike at Wardner?—A. I understood there was, but I was not down there.
Q. But no action was taken beyond that?—A. No; not that I heard of.
Q. When did you first hear of the difficulty on the 29th?—A. When I got up, late in the afternoon.
Q. Was there much excitement in Gem about that time?—A. I live above Gem, and it was as quiet there as it was any other day.
Q. Did the riot at the Bunker Hill cause any particular disturbance in your locality?—A. None whatever that I noticed.
Q. How was the condition after the riot quieted down, quiet? Did the men go to work again?—A. The men went to work the next day as usual.
Q. How was it the succeeding days; how long did they work?—A. They worked in different places. I think they worked in Frisco, but I could not say positively, because I kept out of any business of that kind; worked in Frisco several days, in the Frisco mine; that is close to where I live.
Q. Worked several days?—A. Yes.
Q. When did you quit work?—A. That was the last I worked—on the night of the 28th. I was working in the Mammoth tunnel, but I didn't go to work after that in the Mammoth tunnel.
Q. Have you had an opportunity to work since that time?—A. I have not.
Q. About how long after the 29th did the military arrive?—A. I could not say. It was 4 or 5 days, I think, or such a matter as that; I could not say positively.
Q. What did the military do when they arrived on the ground?—A. Arrested everybody they could get their hands on.
Q. Did you fall into the net?—A. I did.
Q. What did they do with you?—A. I was working on my house at the time they arrested me. I was arrested by soldiers and a deputy. They asked me if I was a union man, and I said I was. They told me to follow along and took me down the street. I stood there a while with a crowd of friends and then we were taken down to Gem and led into a box car. While climbing on the car, which was rather difficult, as it was high up on a grade or embankment, one of the negro soldiers gave me a prod with the bayonet. I considered it necessary to use rather harsh language. Nothing further occurred until we got to Wardner. When we got there, there were 35 or 36 in the car, as I recollect. We stayed under a guard all night, and then they changed guards in the morning. We had no water from that time until evening. I think it was somewhere along about 5 o'clock before we got any water. I could not state the exact hour. Notwithstanding we plead and plead for water, and although we suffered for water, the guards would not listen to us. We did not get anything to eat until about 2 o'clock, or such a matter.
Q. About how many hours did they keep you there without water?—A. We had no water from the time we left Gem, from the time we were arrested, until the next day about 4 or 5 o'clock. In the meantime we had something to eat, but no water.
Q. Twenty-four hours without water?—A. Well, it was very nearly that. It was over 20.
Q. And how long without something to eat?—A. Well, I don't know. I had a lunch about 3 o'clock in the afternoon of the day I was arrested, and we didn't get anything to eat until 3 o'clock the next day.

Q. Nearly 24 hours without anything to eat?—A. Yes.

Q. What reply did the guards make when you demanded water?—A. Sometimes they told us to keep still, that they could not get it; and others made the remark that if we had looked out for this we would not have been thirsty; that we would not have been obliged to plead for water.

Q. What did they say when you asked for anything to eat?—A. There was not much begging for anything to eat, it was mostly for water. We would ask them when they were going to give us something to eat, or when we would get dinner, or something like that, and they would remark that they would let us know when we would get anything to eat.

Q. What charge did they bring against you?—A. I don't know; I don't think there was any charge.

Q. Did you ever ask them?—A. Mr. Sinclair took me to one side and asked me where I worked. Of course I can not give the exact conversation, but it was about where I worked, what shift I worked on, and where I was on the 29th. I told him I was at home. He asked me what I knew about the miners' unions, and apparently I didn't know enough to satisfy him, and he made the remark that if I didn't talk a little more promptly or a little better that he would have to let me stay in the bull pen and consider some one else's case, and give me a chance to think, or something of that kind. I told him I could not tell him only the truth; that I knew nothing about it, and that I could not tell him anything that would assist him at all in any way. Eventually he let me go and gave me a discharge, or recommended me to the military authorities, and they gave me a discharge recommended by Bartlett Sinclair.

Q. How long did they keep you there before they gave you a hearing?—A. I was there from the 5th until the 10th day of May.

Q. About 4 days?—A. You might say 5 days. It was on the night of the 5th that I was arrested. I have my release up at the house; I could get the dates from that.

Q. What was the general treatment of prisoners during the time you were there?—A. Very harsh; extremely harsh. They didn't strike me, but I saw them strike two different men with guns, and there was no cause for it. That was when they took us out to dinner. They would put 2 men abreast and march us out to dinner in the barnyard. One man in particular, Pete McGlaughlin, who was just ahead of me—they would hold us and then start us marching again, and, of course, men not being used to being led in that way, or being herded, would naturally fall back, and they supposed, of course, they would catch up; and the corporal who was there struck him with a gun across the back and said, "Get up, there, you ——— ———, or I will put a bullet right through you." We went a little bit further and something went wrong again, and he shouted to the rest of the guards to "have no mercy on the ——— ———," and other curses; one of them in particular was that he would have no more mercy than he would "have for a ——— rattlesnake."

Q. That was a company of colored soldiers?—A. That was, as I understand it, Company M, of Spokane, commanded by Captain Batchelor. We were taken in the yard. They had tin plates and a cup, and those were all the eating utensils there were; and the food was placed in a plate, and then you walked around and marched in single file and took a piece of bread; a man handed you that; and every four or five got a can of coffee. We marched up in the yard and were ordered to sit down. As soon as we got through with the plates, they took them back and put them in the box. Some of the men got up and apparently broke orders in some manner or another, because they told them to sit down, and the men said they had orders to take back the plates, and they told them "——— the orders;" that they had to abide by the orders that they had then. I saw one or two men on that occasion hit over the head with a gun, and one man slapped in the face; and I saw 2 pipes taken from men; and I saw two or three knives taken from others. I also saw one of the guards talking to a man who was looking out of one of the small holes in the stables—where the air goes in the stables—and the guard told him to get his head in there, and the fellow didn't pay any attention to it; didn't know but what he was joking, and the guard said, "You ———, you get your head in there or I will shoot your ——— eye out." He threw a cartridge in his gun, but I don't know whether he intended to do it; I could not say, but the man got his head back. But he seemed to make quite an effort to keep the man from looking out at the guard. I don't know what harm the man was doing. That night we were all put in a barn, and we had a very little bit of straw under us, and under that was a manure pile which was soaking wet. Another fellow and I took blankets with us, and we slept on those; but he was taken sick and was sick several days; his name is Barton Creedon.

I don't know as there is anything else of importance any more than taking us out to work. We were taken out to help build a guardhouse. I was taken up there one day, the day I got out, the 10th, and I noticed a man there who seemed to be boss of the architecture; he seemed to have a whole lot of bossing, and we were a little awkward. I didn't care about going to work; I had not been convicted, and we were not convicts, at least; we hadn't been convicted of any crime; but we were led out there, and when we hesitated about doing anything we were forced to do it, told that we would have to. This man came in—I don't know his name; he appeared to be the architect there—and wanted to know what "kind of mongrels" we were, and if we "could not get a move" on ourselves. He told us we had "better get a move" on us and such work as that.

That night I was released. I was also arrested about the 23d of June again. I was down here in Wallace. I was talking with a friend right here on the crossing, when a gentleman came up and wanted to know if I got his letter, and I told him I had not. He said he had written to me, and that he saw the trouble was the same as before. I told him I hadn't received his letter, and he said he had written to me shortly after receiving a telegram signed by Joseph MacDonald, the superintendent of the Frisco mine, telling him to come on, that everything was all right or would be all right. He wanted to come from Burke to Wallace, and had left me his address, and told me if things changed to let him know, and I promised I would do so. When he received this telegram from MacDonald he got it in his head that I had sent him word. I told him no, that I had not sent him any word at all or written to him. So we started along and went up the street, and when we got to Bank street, just a block above here, Mr. Southerland, the present sheriff here, headed us off and asked this fellow if he was going to work; the fellow said no, and he arrested me. I asked him what it was for, and he said "Intimidation." I told him it was a kind of peculiar intimidation to be talking with a man I was acquainted with, and he undertook to tell me that men were being threatened with shooting and hanging, and that they were running men out of the canyon and everything, as they came in here. If he had any proof that I had made any such threats, any threats of this kind, I was willing to suffer the consequences, but that I was positive he could not prove anything of the kind. He said he was ordered to do it; that he had orders from Bartlett Sinclair. I was taken to the bull pen and held there until Sunday, until France came down. When I was arrested France said he would look into my case in a day or two, and I was held there until he came down.

Q. How many days was that?—A. It was from Friday until Sunday.

Q. Three days, practically?—A. Yes. I was arrested about half past 10 or 11 o'clock on Friday and was released about the same time on Sunday, in time to catch the train coming up from Wardner. I just caught the train.

Q. Were they unable to substantiate any charge against you then?—A. They didn't have any charge against me any more than that. Well, this Sunday I was released. This last time I was arrested, Sinclair said to me, "Mr. Gillen, you were confined in here before, were you not?" and I said, "Yes." He said, "It is strange you can not live up to the laws of the State of Idaho," and I said, "I have not broken any of the laws of the State of Idaho; I know to my personal knowledge that I have not broken any laws." He said, "Yes, I have positive proof that you have been intimidating the men who come in here in the canyon;" and I was just as strong in my replies, that I had not been intimidating the men, and that they had no proof that I had ever told anybody not to go to work, or made any suggestion to anyone not to go to work. I told him that I had talked with no one; but if they asked me the circumstances I told them the facts, but that I never told any man, if he wanted to go to work, to stay out; that they could not get work. He finally released me.

Q. Now, you spoke some time ago about a soldier striking you with a gun as you were gettting on the train; also of the soldiers striking another man in the bull pen. Was that in the nature of a mere push with the gun, or did he strike you in a violent manner?—A. The prod he gave me as we were getting on the car was not a mere push; it was a very severe prod, so that I felt it for two or three days afterwards.

Q. How was it with the man in the bull pen?—A. He hit him over the shoulders very hard. He was a big, strong man, or boy rather, and would weigh 175 or 180 pounds, and probably 20 years old, and able to send pretty hard blows. I would not call it in the nature of a push or anything of that character. He hit him a good, hard blow with the barrel of the gun, bringing it around in that way [witness illustrating] across the shoulders.

Q. What did your union do, if anything, after this occurrence at the Bunker Hill mill; did the union condemn it or approve of it?—A. Every man I heard speak of it condemned it.

Q. There was no disposition on the part of the union to approve of the riotous conduct?—A. No; nothing of that kind. I have not heard of a man who approved of any violence of any kind, but they condemned it in the worst way.

Q. Has the union met since the 29th of April?—A. Oh, yes; we have met.

Q. Did they take any official action relative to this riot at the Bunker Hill mill?—A. Well, I will tell you, when I say the union has met, it has met in a kind of a way. They were very badly broken up; their officers and other men were in the pen, and there was no business transacted. It was merely a meeting to kind of hold them together; but I have heard men get up in the hall there and condemn the actions of those who had taken part in the violence that was committed that day at Wardner.

Q. Do you know about the number of men that went down there that day?—A. I could not say anything in regard to it. I could not say anything about that at all.

Q. What is the general report among the miners as to the number that went down?—A. I don't know as I ever heard any general report, except the general report among the people.

Q. What is the rumor among the people as to the number that went down to Wardner on the train that day?—A. I don't know.

Q. It has been stated here from 400 to 800.—A. There are so many statements made in regard to it that it would be hard to say. I have heard that there were not more than 500, and I have heard that there were 1,000, and it would be a rather difficult thing to state what you do hear.

Q. Do you know whether the men who went down on that train knew generally what was to take place?—A. I am satisfied they did not, from what I have heard, and, more than that, men that I would take for honorable men and law-abiding citizens didn't know anything about it.

Q. What did they say they were going for?—A. As near as I could understand it they were going down there to try and persuade the Bunker Hill men to come out in sympathy with the other strikers, and try and have the Bunker Hill and Sullivan Company come up to the wages of the Cœur d'Alenes.

Q. You understand the wages there were lower than in the other parts of the district?—A. Yes.

Q. Was there any complaint before the unions as to the nonunion men or the Bunker Hill men?—A. None that I heard.

Q. Is there anything else that has come under your observation about the excessive operations of the military here?—A. No; I don't know as there is, except there was one little instance happened to my wife up here. She was going up the canyon and walking along all right. It appears there is a magazine guard up there, that they have to guard the magazine. She had been walking on the ties, on the railroad track, and it made terrible rough walking, especially on account of these ties, and so she got off on the road, and they told her to get back on the track. She told them she was paying taxes on that road and she didn't propose to get off of it. Another soldier came up then and said, "———, don't be fooling with her at all." She told them the only way they could get her off the road would be to force her off, and they waited until one of the men went after the corporal, and he came down, and after a little parley they let her go on.

Q. What do you know about the permits that have been presented to the miners? Have any permits been presented to you?—A. No.

Q. Have you been given any information as to the conditions under which you could go to work?—A. The only thing I know of is that I would have to get a permit to go to work, and that I would have to swear that the miners' union is a criminal organization.

Q. What do the miners generally think as to the conditions of those permits?—A. Well, I think they are outrageous. The members of the organizations are just as good as the rest of them, and I can not swear that the union is a criminal organization. The majority of them think it is beneath all Americans to have to go and ask anyone for the privilege of going to work.

Q. What is the general tenor of the teachings of your organization?—A. In regard to what?

Q. In regard to the means you use for the purpose of accomplishing your purposes; are they peaceable or violent?—A. In strikes, do you mean; something like that?

Q. Yes.—A. Arbitration is our main argument, so far as I can understand it myself.

Q. Does your organization ever advocate violent measures?—A. Never to my knowledge; no. I don't think it would be policy for them to do so.

Q. Your constitution and by-laws don't advocate anything of that kind?—A. No.

Q. Have you a copy of the constitution and by-laws?—A. I can bring you a copy to-morrow, if that will do.

Q. Then there is nothing in your organization that, if lived up to, would be dishonorable?—A. Not a thing. There is nothing in the organization that would prevent any honorable, law-abiding citizen from becoming a member; there is no reason why he could not become a member so far as the by-laws and constitution are concerned.

Q. If these are carried out, it is a laudable organization?—A. Yes.

Q. And the miners would be stultifying themselves by submitting to these permits?—A. Yes.

Q. Whether they participated in the acts of the 29th or not?—A. Yes; that understanding is in all of them, you might say, so far as I know.

Q. Those who condemn the acts of the 29th of April are just as persistent against yielding to that permit system as those who are guilty would be?—A. Every bit, if not more so. I would not take out one of those permits if I had to go to begging. I would sooner cut my right hand off than give up my liberty to them.

Q. Do you know Mr. Young, the man who was sheriff at the time of this unfortunate occurrence?—A. I am not personally acquainted with him.

Q. Do you know the county commissioners?—A. I am not personally acquainted with them.

Q. You don't know whether they attempted to do their duty or not?—A. If asked my opinion, I would say that they are honorable men and would do their duty so far as they could, each and every one of them.

Q. Have you ever heard that the sheriff sympathized in any way with the conduct of the 29th?—A. No, I have not.

Q. He does not belong to any organization?—A. Not that I know of. I could not answer the question as to that.

Q. Have you ever heard any considerable number of union men approve the conduct of the 29th?—A. I never heard one.

Q. They realize that acts of that kind are detrimental to organized labor?—A. They all claim it is. Those I have heard talk use the argument that our enemies have got in amongst us, but didn't think they could have done anything better for the cause of the union.

Q. What rules has the union that the members must obey, as to legal measures?—A. They must all obey the laws of the country. I don't think there is any necessity in order to gain a strike or to gain our rights to resort to violence of any kind, and there are a great many that will support me in that argument, I think, in the union of the Cœur d'Alenes.

Q. (By Mr. MANTLE.) Do you know what time the train conveying those rioters left Gem on the 29th?—A. No.

Q. Do you know what time it returned?—A. I could not say, only from hearsay.

Q. Was there a strike in progress at the Bunker Hill and Sullivan at that time?—A. I understand there was; yes.

Q. Did it embrace all of the employees, or only a portion of them?—A. Well, I could not say whether it embraced the outside men or not.

Q. Was it a strike for an increase of wages?—A. Yes. I presume it took in the top men as well as the miners.

Q. Were the Bunker Hill and Sullivan paying union wages at that time?—A. They may have been paying $3.50 to some men. That was the scale of wages of the Cœur d'Alenes for all men going under ground. They paid $2.50 and $3, or $3.50, for underground men, as I understand.

Q. Did they refuse to employ union men on any terms?—A. I believe they have, or did have, a form that a man had to sign to get employment in the Bunker Hill, that he did not belong to organized labor and would not belong to organized labor.

Q. Have you any fault to find with the conduct of the soldiers who succeeded the colored soldiers?—A. Well, no. A great many of them are a very rough class of people, and some of them are much different. I believe that if they were prodded on to fight that they would come in here and run into dynamite and would be blown to smithereens, and the creeks would run red with blood. I think they are soldiers enough, for that matter, but I don't know what class of men they would come under.

Q. They had heard they were pretty tough citizens in the Cœur d'Alenes, and were prepared for that sort of a deal?—A. Yes.

Q. The first ground of complaint is the treatment accorded you by the colored soldiers?—A. Yes.

Q. And, secondly, the kind of permits you are required to sign in order to get

employment, and you deem that derogatory to your manhood and your rights as citizens?—A. Yes; we think it is one of the rights taken away from us.

Q. I suppose it is unnecessary to suggest that all this is based upon the assumption that the riots were committed by members of the union?—A. Yes. I can not learn that they were committed by the union.

Q. As a union?—A. Not as a union.

Q. It is fair to assume, I presume, that miners participated largely in the demonstration at Wardner?—A. Not miners exactly.

Q. But men employed in the mines?—A. I guess that is it.

Q. That is, you could not get 600 or 800 men in a mining community unless you did take the men employed by the mills and the mines?—A. Yes, it would be very hard, as that is the only industry going here.

Q. As a member of the union, you disclaim any connection whatever with the outrage?—A. I do.

Q. Were the records of your union seized?—A. No. In the first place, they made a raid on Burke, and we understood they made raids on everything of that kind, so we took the records out of the union. I didn't have anything to do with the taking away of the records. The officers took care of them.

Q. When was the last meeting held prior to the outrage at Wardner?—A. Our meeting was on Wednesday.

Q. It was on Wednesday?—A. That is the only meeting that I know of.

Q. Was there any discussion at that meeting—the last meeting prior to the difficulty at Wardner?—A. There was not to my knowledge. As I said a while ago, the only one that I visited was the one in which they said they would give the Wardner strikers their financial and moral support.

Q. It was not discussed any further than that?—A. I heard several talk about it, but that was the only thing I heard.

Q. You have detailed to the commission all the acts of cruelty that were witnessed by yourself?—A. Yes. Of course, a great deal I know was done that I did not see. Those I have mentioned I saw myself, and can positively state the facts.

Q. (By Mr. KENNEDY.) You were, perhaps, acquainted with most of the men in the bull pen while you were there?—A. No, not the most of them; a very small per cent.

Q. You at least know something as to the nationalities of the prisoners there, don't you?—A. There were a great many foreigners.

Q. State what nationalities there were in the bull pen.—A. Well, I guess there were nearly all nationalities represented by all of them. There were Italians.

Q. Many Italians?—A. Well, no; not a great many Italians, as I remember. There were quite a few Swedes—great many Swedes—and a great many Irish and and Cornishmen.

Q. Any Norwegians?—A. Yes, there were Norwegians. Norwegians and Swedes are about the same thing. One can't make very much distinction unless he knows their language.

Q. You saw quite a number of Swedes in the bull pen?—A. Yes.

Q. They especially are not considered a law-breaking class of men in this or any other country, are they?—A. I never knew them, in my travels, to be a vicious class of people.

Q. They were members of your union, were they?—A. They were members of the union of the Cœur d'Alenes. I think there were very few Swedes in our union.

Q. Were there Germans there?—A. A few Germans.

Q. Any Englishmen?—A. A few Englishmen.

Q. And Scotchmen, too?—A. Yes, occasionally you would run across a Scotchman. There were not many Scotchmen.

Q. Were there more of these nationalities than native Americans?—A. Yes, altogether there were more of the different nationalities than there were of native Americans.

Q. Two to one?—A. I judge there were, possibly. I might be mistaken; might not be that much; I can only make a rough estimate of it.

Q. Were the white officers of these colored troops offensive or troublesome?—A. No. Some of them seemed to be very good fellows and all right.

Q. You didn't notice anything objectionable in the conduct of the white officers?—No. You must remember that my experience is limited to 4 or 5 days. I neglected to state that one morning what they gave us to eat was pretty poor truck. In fact, the meat was rotten, and the potatoes were unwashed and rotten, just as they would naturally pull them out of the bank, as I have seen farmers pull them for hogs, and I don't know but a farmer would have been a little more

careful with them. We appointed a committee of 3 to wait upon Lieutenant Monroe, I think his name is, and ask him if we could not get something more fit and better to eat, and he stated that the soldiers were only a tool for Bartlett Sinclair, but that he would try and do something for us if he could.

Q. Were all the arrests that came under your observation made by deputies who were accompanied by soldiers?—A. Yes.

Q. You saw no instance of a soldier making an arrest, did you?—A. No; I don't think I did.

Q. Do you believe that the members of your union would have assisted the civil authorities in putting down a mob of that kind, and would have helped to bring the perpetrators of that crime to justice, if they had been compelled to by the action of their officials?—A. Well, I can answer for one that I would, and I have enough confidence in a great many others to say that they would also.

Q. You have read that proclamation which is signed by Bartlett Sinclair for the governor and approved by General Merriam, I suppose?—A. I have.

Q. What is the impression among the men generally as to who is the author of that proclamation?—A. Well, a great many of us think it is the Bunker Hill and Sullivan proclamation, forbidding these mine owners from hiring men that belong to the union. It is something similar to one the Bunker Hill had used for 3 or 4 years.

Q. What had they been using?—A. Something similar to this proclamation. The men had to fill out a blank in order to get work.

Q. I am speaking of a proclamation to the mine owners of Shoshone County, stating that certain organizations or combinations existing in Shoshone County have shown themselves to be criminal.—A. I don't know as to that. I formed an opinion, felt that it was put up by the governor and Sinclair and these people who have been running the State here.

Q. Do you people believe that these blank permits or forms for permits were furnished by the Bunker Hill Company's people?—A. That seems to be the opinion of a great many. Especially the older inhabitants here carry that opinion.

Q. (By Representative BELL.) How many prisoners were there in the bull pen when you first went there?—A. They claimed there was at that time more than 800, I think it was.

Q. And how many were there the last trip?—A. Something over 300.

Q. What became of the 800 that were in there originally?—A. They got out of the per and as they found they could not get work they left the country.

Q. How did they come to get out?—A. Just about the same as I got out. They didn't appear to be the men wanted.

Q. Mr. Sinclair examined them, and if their answers were satisfactory he turned them out?—A. Apparently.

Q. And if the answers were not satisfactory he left them there?—A. Apparently.

Q. Were there any charges against those who were there?—A. There was no charges against a great many of them.

Q. How long have they been there without any charges against them?—A. Some of them have been there—it must be nearly 3 months.

Q. Have the men generally asked to be informed of the charges against them?—A. A great many of them have; yes.

Q. What was the reply?—A. A kind of an evasive answer; something in the way of asking them a question, as near as I can find out. A great many told me that.

Q. Do you know whether they give the prisoners a right to consult counsel or friends while in there?—A. They have not.

Q. Do you know of any requests having been made for the advice of counsel or consultation?—A. They were not allowed to see counsel; they could talk with their friends, but there was a guard there all the while. They would be allowed to step up to the fence in this big front yard, and you could talk across the fence. They would not allow them inside, but you could step up to the fence and talk to your friends. So far as I was concerned, while I was in there, there was no counsel to be had.

Q. (By Mr. KENNEDY). Did you see any very sick prisoners while you were there, or anyone who was dying?—A. This Mr. Creedon that I spoke of—I was sharing my blankets with him—was taken sick. I saw the officer and told him he ought to have a doctor, as he was very sick. I saw him three times and he said he would see about it, but I didn't see a doctor. He was sick all the next day.

Q. Did you see any ministers in the camp at all while you were in there?—A. I didn't see a minister the first time. The last time a fellow came in and read some chapters out of the Bible to me in the bull pen.

Q. Do you suppose that if a man had been dying there and had asked for a priest or minister that he would have been refused?—A. I can only say in regard to that, what I have understood from good authority, and that is that that has been done.

Q. You don't know anything about it personally?—A. That took place in the hospital. While I was in the bull pen there were not many that were sick.

WALLACE, IDAHO, *July 26, 1899.*

TESTIMONY OF MR. LEVI R. MILLER,

Night Watchman Tiger-Poorman mine, Burke, Idaho.

The subcommission on mining being in session on the morning of the 26th of July, 1899, at Wallace, Idaho, Chairman Bell presiding, Mr. Levi R. Miller, being duly sworn, testified as follows concerning the labor troubles in the Cœur d'Alene mining district of Idaho:

Q. (By Representative BELL.) Please state your name, residence, and business.—A. Levi R. Miller; I reside at Burke, Idaho; and from the 15th of last November I was night watchman at the Tiger-Poorman mine.

Q. Where were you about the 29th of April last?—A. I was in Providence Hospital, right over here.

Q. Sick at that time?—A. Yes; I was convalescent; I was allowed down the street every afternoon, once or twice a day, for an hour or so. I came down from Burke on the 24th.

Q. When did you first learn of the unfortunate occurrence at the Bunker Hill mill?—A. That afternoon. I came down in the forenoon and again in the afternoon, and Mr. Lambert, the telegraph operator up at the O. R. and N., being an old resident of Burke and an old friend of mine, spoke about it. He said, "I fear there is going to be trouble down there; there has been a telephone message that there has been a sharp explosion." I said that I regretted it, as everything of that kind would be a detriment to all organized labor, and would throw a stigma on the community and put us all out of work—something of that kind; and that it would lead to something worse.

Q. You thoroughly realize that organized labor must be orderly?—A. Yes; that is the pledge we take, and I didn't think they would ever violate it.

Q. (By Mr. KENNEDY.) Are you a member of organized labor?—A. I joined the organization last fall.

Q. (By Mr. MANTLE.) Western Federation of Labor?—A. Yes; I think that is what it is called. I have been a member of the miners' union in Virginia City, Nev., in the years gone by.

Q. (By Representative BELL.) Have you ever belonged to a labor organization that didn't teach high moral principles?—A. I never have; no.

Q. And it is your judgment that no organization of any kind can last unless it is based upon high moral principles?—A. Yes; I think that is the first step, and one that we should never violate.

Q. You don't approve of the conduct in blowing up property and the taking of human life?—A. No; I condemn it anywhere and everywhere; they know that; Mr. Culbertson knows it. I was night watchman, where I had occasion to deal with the rough crowd. I don't fear the miners' union or any other organization. I will go before any of them and state my case, and I do state the case. When I caught men stealing wood and coal I reported it at headquarters. One man was trying to bulldoze me one night, and that is the only time I carried arms. I said I was there to watch, and while I was there as a watchman I was going to watch.

Q. When did they arrest you?—A. Thursday, the 4th of May. I went home from the hospital on the 2d of May, but was still under treatment, however. I had some of Dr. Genoway's medicine with me. On Thursday I was working around home, sawing wood and cleaning up the yard, and tinkering around to gain a little strength to go to work in a few days, when the military came up. I should have stayed right at home. I live a little off the track, but I was feeling well and thought I would go up town. My brother came off the shift from work at 6 o'clock, and I started to go up as far as the Tiger-Poorman store, when I met the express agent of the Northern Pacific and he said, "You better go back or they will carry you along." So I stayed down home. When my brother went to get his supper, I stood in the door with a paper and was reading it when several civil officers came in the house. I went to my trunk to take my purse out of the

trunk, just as they came in, and they said, "Have you any arms?" and I told them I had not. I asked them if they wanted me, and they said they did not; and then they went on to some other houses farther down. The soldiers came down on the other side, with a large crowd of men who had come out of the mine, trammers, drillers, etc., coming right out of the mine, with their heavy boots on, and wet to the skin. A soldier sang out to me, and I said, "Do you want me?" and he said he did. I locked the door and went over. I got in line and they marched us down to a little bridge there, and I called a lady over and gave her my purse, which had over $300 in it. I was very glad that I did, for I afterwards lost my pocketknife and everything else of value that I had with me. We spoke to a number of soldiers there. I was a soldier myself. I supposed the things were taken as a joke, as they took about everything they could find on us, and put us in a box car. The master mechanic called for his men, in order to run the mine. He had to have 3 foremen, 4 engineers, and I think 6 pump men, and the men on the shift, and they were taken out, and also the watchmen that was in my place while I was sick; he was taken out and I was put in a box car. After standing there a while we came on down to Wallace, and they let out a few men. They let out the bookkeeper for the Tiger-Poorman Company, and I think they had Professor Green, the principal of the school. Some men were let out here. We went on to Wardner and were taken out of the box car, and I think about 20 were released after we were taken out of the car. There was one man there, Mr. Wittine, who was rooming with me, and of course I thought my name would be next, but they stopped and didn't call out any more names. We were huddled around. It was very cold and rainy. They took us over to the pen, and put 5 at a time in a stable. An elevated gangway led to the entrance. It was up from the ground a little ways, and 5 colored soldiers searched us, and they took both of my knives, a large one and a small one; but I got the large one back. I usually carried two pocketknives, a small one and a large one. I went fishing a good deal up in the hills in the summer time, and carried the large one as a game knife. The fellow that took the knives said it was a pretty good-sized toad sticker. It was dark when we went in the stable there, and I had to feel my way among men already in there; but I finally got my back up against the side of the room and got in a reclining position with a big man lying across my feet—a man that worked Tiger-Poorman mill.

Q. Did they not furnish you any place to sleep?—A. On the floor there, that was all. There was a little bit of hay or straw that some of them had taken down and put on the floor. In the morning about 4 o'clock I wanted to urinate, so I made my way out among the fellows there. There was quite a crowd of us there and a good many right at the door. I asked for permission to go out, and the guard at the door said, "You can't go; get back there." He said that I could go as soon as the guard came back, and he put the bayonet at my back and pushed me back into the stable. They were taking 1 man at a time to the closet, which was fully 60 yards away. Somewhere between 4 and 5 o'clock I got a chance to go to the closet. The guard took me along, and as I didn't walk fast enough for him, he told me to walk faster. I had been in the hospital and had sciatic rheumatism, and I told him I was not able to walk any faster. The corporal sang out, "Put the bayonet into him." He had the bayonet at my back and kept pushing me along, but he didn't make me go any faster; I was going as fast as I conveniently could and I was determined that I would not be imposed on. When the guard came back to the stable I spoke to the corporal about it and he drew his pistol on me.

Q. How old are you?—A. I will be 55 in September; that is, I was born on the 16th day of September, 1844, at Massillon, Ohio.

Q. You went through the war of the rebellion?—A. Yes; I went through a part of it. I served in the Mississippi squadron, on the *Monitor*, and on the *Neosho*, and was discharged from the steamer *Volunteer*.

Q. How long did they keep you there?—A. Took me in Thursday night and I got out Saturday afternoon. I was in there two nights.

Q. What did they charge you with?—A. Nothing at all. They never asked me any questions. On Friday a number of men from Burke were there—Mr. Edward Ahrenberg, Master Mechanic Gill—and of course I wanted to speak to them, but I could not go through to speak to them, and the guard said I could not send a note unless he could read it. I sent them the note, because I wanted them to intercede for me with the Tiger-Poorman people, and see if they could not get me out of there, and to tell them I had just got out of the hospital, and for them to see if I could not get out. The next day, on Saturday, 20 of us were called out. I know they didn't ask any of them scarcely any questions, because they wanted nearly all the outside men. I don't know as there were any miners among them, but there were some carpenters. The only questions Lieutenant Holbrook asked

me were what my name was, and what I was doing, and I told him I was night watchman at the Tiger-Poorman mine. Mr. Holbrook was a gentlemanly officer. I told him I would like to get my pocketknives back, and he marched me up and brought out a box with probably, as near as I can guess, 150 or 200 pocketknives in it. I picked out the large knife very quickly, but, after hunting the knives all over, I could not find the other one. A number of others told me they lost their knives, too.

Q. Were there any other indignities heaped upon you while there?—A. We got something to eat. Of course I haven't any kick coming about the eating. People don't care as much about eating when they are idle as they do when they are working. I had just come out of the hospital, and of course I didn't suffer for the want of something to eat.

Some colored guards, after we were let out in the yard—they let us have our liberty in the yard there—said, "Look out for that little fellow there; he is a bad man." The other guard said, "What, that little runt there?" "Yes; he's a dynamiter." Then the corporal ordered me back with his pistol. He said I was a rowdy. We were huddled up there in a little coop, and everything was damp, and it was cold. There had been terrible storms, and everything was wet. What I feared most was fire. The guards there had their orders not to take any chances, and I was afraid of fire in the hay because of the men lighting their pipes and smoking. The soldiers said they had their orders if a fire broke out not to allow anyone to escape, but to shoot them down like dogs. Anyone would feel bad under such conditions. There has never been published an apology by the civil or the military authorities to the law-abiding citizens for their arrest and inhuman treatment. I have watched the papers closely.

Q. What are you doing now?—A. I am not at work now.

Q. Have you been offered work?—A. No. I left here on the 4th of July and went to Spokane to the hospital, and when I came back every mine in the place was a permit mine. I would not sign a permit for anybody, so I would have to lose my job anyway.

Q. Why would you not sign a permit?—A. For various reasons. The permit men might be worse than the union men, and then I would be stigmatized as a permit man. I don't know that they would not be worse than the union men. I would not sign a permit to work with such men. I don't want to associate with them. I don't know but we may have bad men in the unions, but those are the kind of fellows that are hurting us.

Q. Is that the opinion of peaceable, law-abiding miners generally about these permits?—A. Yes, I think so. It is an injustice and is un-American. They are in direct opposition to American liberty.

Q. In other words, they consider that liberty of contract is destroyed; that they are stealing your liberty?—A. Yes. It is bad enough to have to seek employment, but when we have to get a permit before we ask for employment we think that is going a little too far. I don't consider I have a great while to live, and I think I will be able to live the balance of my days without signing a permit.

Q. What other acts of cruelty did you notice aside from your own case?—A. There was one man there—I don't know what he was punished for, but they made him sit on the ground.

Q. Who was in command of the soldiers there?—A. Captain Bachelor, of Company M. He was still there when I left and until I went back. I went back three different times. I went back Sunday, Monday, and I think the following Thursday. When I went back the second time it was Major Morton.

Q. Do you know of any acts of cruelty practiced by the white soldiers since they have been here?—A. I don't know about down there.

Q. Anywhere?—A. I don't know. The soldiers we have at Burke now are mostly nice gentlemen.

Q. At the time of the arrests, was there great excitement throughout the district?—A. Everything was very quiet in Burke. They had thought all along that they would come first, and anyone who had a guilty conscience had a chance to get away. They had orders to make a clean sweep. I don't know what suspicions they may have had, but they took lodging-house keepers, shoemakers, dishwashers, waiters, barkeepers.

Q. Did they all belong to the labor organization?—A. No; none whatever.

Q. Most of the men who were employed outside of the mines belonged to labor organizations in the district?—A. Yes; I think most of them employed there any length of time.

Q. This is generally recognized as a union camp?—A. Yes.

Q. You don't know anything about who went with that crowd on the 29th of April?—A. No. I remember meeting a couple of men here. I think one man I met here is still in the bull pen.

A. Was he going down on the train?—A. No; he came down to the train, but said things didn't look right and he didn't want to be in that crowd; he was afraid they might do something desperate.

Q. Do you know how many men were on that train?—A. No; I don't think there were as many as people said; I was no closer than right on this corner here.

Q. (By Mr. KENNEDY.) You are a member of the Grand Army of the Republic?—A. Yes; I belong to Phil. Kearny Post, No. 10, Virginia City, Nev.

Q. Does that order teach its members to observe law and order?—A. It certainly does.

Q. Were the soldiers or civil officers that arrested you aware of the fact that you are a member of that order?—A. No, they were not; I didn't wear any button at that time; they had no reason to suppose that I did until I told them.

Q. Are you an active member of the labor organization?—A. I am a member. I don't know whether you would call me an active member. I never attended but one meeting, because I work in the evenings. I am always on duty.

Q. You are a member in good standing—pay your dues?—A. I did until some time in April. There has never been any meeting since. We have not had a chance to pay dues.

Q. Do you think the members of the particular organization of which you are a member would condemn the lawlessness prevailing here on the 29th of April?—A. I could not vouch for all, but I know the majority of them are law-abiding men, and when I say that, I know they are opposed to any such actions as that or violence of any kind. I expressed myself that day right at the corner of the street, when I saw the men coming up, and one man had a gun in his hand and a mask on his face. I said, "I am a union man and a miner, and belong to the miners' union, but I don't approve of anything of that kind; that is all wrong." They will never accomplish anything in that way.

Q. Did you hear any violent or incendiary speeches against employers in your union?—A. No.

WALLACE, IDAHO, *July 26, 1899.*

TESTIMONY OF MR. JOHN MURPHY,

Bartender, Burke, Idaho.

The subcommission on mining being in session on the morning of July 26, 1899, Chairman Bell presiding, Mr. John Murphy, being duly sworn, testified, with reference to the labor troubles in the Cœur d'Alene mining district of Idaho, as follows:

Q. (By Representative BELL.) Where do you reside?—A. Burke, Idaho.

Q. How long have you lived there?—A. Two years, last May.

Q. What is your business?—A. Bartender.

Q. Where were you on the 29th of April last?—A. I was in Burke.

Q. What were you doing there?—A. I was not doing anything; I was out of a job.

Q. When did you first hear of the difficulty down at the Bunker Hill mine?—A. I heard about it that night, the night of the 29th.

Q. Did you go down on the train with the men?—A. I went down on a hand car, about half past 4 in the afternoon.

Q. Did you see the men going down?—A. No.

Q. Did you see them coming back?—A. Yes.

Q. How many men were on that train?—A. I can merely guess; quite a lot of men.

Q. Do you think there were 400 or 500?—A. I guess probably about 300 or 350.

Q. Did they have guns?—A. Some of them had guns.

Q. Masked?—A. Yes.

Q. You were not on the cars with them?—A. Yes; coming back, I was.

Q. You came back on the train?—A. Yes.

Q. Why did you go down?—A. The butcher in Burke was going down on the hand car about some business. His brother is in business in Wallace, and he is running the shop in Burke, and he came down on the hand car to see about something and I came down with him.

Q. Did you know what had occurred down there when you went?—A. No.

Q. Did you know what was expected?—A. No.

Q. Did you take any part in it?—A. No.
Q. What occurred afterwards; were you arrested?—A. Yes; on the 4th of May.
Q. Under what charge?—A. No charge at all; just simply taken away.
Q. Who arrested you?—A. I don't remember the soldiers; I don't remember the troop.
Q. Did they tell you for what purpose you were arrested?—A. No.
Q. What did they do with you?—A. Took me down and put me in the bull pen.
Q. How did they treat you?—A. Very poorly; everyone else the same. One night, I think it was the second or third night, we were all put in a room and locked up and kept in there. I could not say what hour in the evening exactly, but it was about 7 or 8 o'clock. There were quite a number of men in there, and some wanted to answer a call of nature, and wanted to get out, but they would not let them out. The door was locked and they could not get out, and they had to ease themselves in their beds.
Q. How many men were locked up?—A. I don't know how many, but I guess that as many as 5 or 6 had to ease themselves in the beds in the barn.
Q. Were there 40 or 50, do you know?—A. Yes. There were probably 300 in there.
Q. Probably 300 locked up in the barn?—A. Yes.
Q. Did you have guards you could call up?—A. Guards were on the outside; we called to them but got no reply.
Q. Did the men tell them what was desired?—A. Yes.
Q. They refused to let you out at all?—A. Yes.
Q. How long did you stay there?—A. Stayed there 2 or 3 days.
Q. How did they come to let you out?—A. Well, there were several affidavits sent them to the effect that I was in Burke at the time that day. I don't know how they came to let me out except that I did not know anything about it.
Q. Did you see them abuse any prisoners, strike them?—A. On one occasion there were men in the box car; there was no room in this barn, as there was a crowd there already, so a crowd of men were taken from Mullan and put in the box cars, and one man had his hand out of the hole they had in the side of the box car, and one of these colored soldiers punched his bayonet into the side of the car about that length [indicating], about 2 inches from his hand.
Q. Didn't strike him, though?—A. No.
Q. What did he say?—A. Told him to take in his hand or he would kill him. That is what I heard him say.
Q. Were there any other indignities?—A. No; that is all.
Q. Is there anything else you know about this matter?—A. Nothing of importance.
Q. (By Mr. MANTLE.) Are you a member of the miners' union?—A. No.
Q. Are you a member of any union?—A. No.
Q. Do you know any of the members of the miners' union?—A. Yes, sir.
Q. Did you see any of them on the train?—A. No. I was in Frank Ryan's saloon at the time the train whistled and I had to run to get down to the train. When I got to the platform it was crowded and I did not go.
Q. Did you recognize any of the men? A. Not a soul there I knew.
Q. There were about 300?—A. Yes.
Q. And you didn't know any of them?—A. I was just on the platform; I didn't know a soul.
Q. Did you see many with masks?—A I saw 2 or 3.
Q. You didn't see all of them?—A. No.
Q. (By Mr. KENNEDY.) You say you were arrested by soldiers. Were there any civil officers along who gave the soldiers instructions to arrest you?—A. There was a lieutenant.
Q. Was there a deputy or any man not in uniform?—A. I didn't know any deputies at that time; I allowed there was.
Q. Was there any man not in uniform that seemed to be interested in your arrest, or concerned in it?—A. It was a crowd of men. The men came in off the shift at 6 o'clock, and I would not notice a man under the circumstances whether he was taking any part in it or not.
Q. So far as you know, only soldiers had to do with your arrest?—A. So far as I know. I heard since there were more.
Q. That there were civil officers there when you were arrested?—A. Yes.
Q. Directing the soldiers what to do?—A. Yes.

WALLACE, IDAHO, *July 26, 1899.*

TESTIMONY OF DR. F. P. MATCHETTE,

Wardner, Idaho.

The subcommission on mining being in session on the afternoon of July 26, 1899, Chairman Bell presiding, Dr. F. P. Matchette was sworn as a witness, and testified as follows concerning the labor troubles in the Cœur d'Alene mining district of Idaho:

Q. (By Representative BELL.) What is your business?—A. Physician and surgeon.

Q. Where do you live?—A. Wardner, Idaho.

Q. How long have you lived there?—A. I have lived there about 8 years?

Q. Where were you on the 29th of April last?—A. I was down at Wardner. I was in my office about half past 12 o'clock—I presume it was about that time—when the deputy sheriff came in and said he wanted to deputize me to go down to the junction with him. I asked him what it was for and he said a lot of men were down there. He said he didn't know what they were doing and wanted me to go with him. I went down to the junction with him.

Q. What did you see there out of the ordinary run?—A. When we got down there the men were down at the mill below, especially the masked men. There were a few masked men standing around the station there. I don't know just how many, but perhaps 15 or 20. The rest were not masked. Mr. Bell, the deputy sheriff, said that we had better go down toward the mill and see what they were doing down there, so we started down. We got perhaps a couple of hundred yards below the depot. A man with a mask came up and said there was a man shot down there and wanted me to go right down. I started down the track below, and when we got close to the Bunker Hill mill, I guess perhaps 150 or 200 yards from the mill, where there is a bridge crossing a ravine, there a man came up and said: "You might as well go back, as the man is dead and there is no use for you now." I turned and went back to the junction.

Q. About how many men went down from the upper country on the cars?—A. That I could not say, as I was not there when they arrived.

Q. Did you see them depart?—A. I was inside of the hotel when they left.

Q. Did you see enough of them so that you can form any judgment as to the number, or about the number?—A. I should judge there were about 500 men altogether; something like that, and maybe more than that.

Q. What is your judgment about the number that were masked?—A. I should judge 100 or 150; something like that; maybe not so many.

Q. Did about the same number have guns?—A. Yes; most of them. Some of the masked men didn't have guns at all.

Q. Did you see any men without masks and with guns?—A. No.

Q. About how many participated actively in the riot, so far as you can judge, or in the blowing up of the mill?—A. That would be a very hard thing to estimate, for the simple reason that the men who did the blowing up of the mill were down there before I got there.

Q. You don't know whether all the men who went down were active participants in the object, or whether some of them were visitors out of curiosity?—A. I am satisfied that most of them went there through curiosity. I presume the majority didn't know what they were going for.

Q. What did the men do after the mill was blown up?—A. They went home; departed for their various homes in the various towns.

Q. Did they do any other violent acts in Wardner?—A. There was a man shot there, Mr. Cheyne. I don't know who shot him. Also, another man was shot, who was claimed to be Mr. Smith. I did not know the gentleman at all.

Q. He was with the miners?—A. Yes, that is my understanding; that he went with them.

Q. Then they departed?—A. Yes.

Q. What was the condition of Wardner after their departure?—A. It was very quiet.

Q. No disturbance whatever?—A. No.

Q. How long after that was it that the military appeared upon the scene?—A. Two or three days; something like that.

Q. What occurred then?—A. They made wholesale arrests; they commenced at once. The colored troops came in from Spokane under Captain Batchelor. They came in one night and commenced making arrests the next morning and searching houses. In several houses they tore the paper and lining right off the walls. In one house they did that to my knowledge; I saw it afterwards. They claimed they were searching for arms.

Q. Did they find any?—A. No; none whatever.

Q. What reason did they have, if you know, of suspecting there were firearms in that particular house?—A. Because the man was supposed to belong to the miners' union. That was the only reason they had for it.

Q. After they made the arrests what did they do with the men?—A. Threw them in the bull pen.

Q. What kind of a place is that?—A. In the first place it was an old barn and used to be used for horses. They put them in there and put guards around them. I think it was pretty tough, however. The men had to lie on the floor with a little straw for a bed. Even men who were sick had no place to go, no hospital to go to. In fact, as I understand it, they had no hospital until they moved the headquarters up on the hill.

Q. Did they arrest some sick men with the well?—A. They arrested men that were not well, and there was one case, Chris. Lenike, who sent up for me and I went down, and he had a fever; temperature ran up to 103¼, and he was really quite sick at that time. I saw the officers about him and asked them to let him out, but they said it was no use; that they could not let him go out, and would not do anything for him.

Q. Did they let you attend him?—A. Shut me off that very evening from attending him. I had been going down; they were sending for me two or three times a day. I would go down in the morning and get orders for medicines, and take them down in the evening; sometimes all the way from 10 to 30 packages. Mr. Sinclair came to me that evening and said, "We will have to shut you out from here." I said, "Why?" He said, "It don't make any difference why, you can't come in to doctor these men any more."

Q. (By Mr. RATCHFORD.) Who was Sinclair?—A. He was the acting governor at that time.

Q. (By Representative BELL.) Who took your place?—A. Dr. France at that time. Then they appointed Dr. McGee. I don't know what the trouble was, but he only stayed two or three days, and then they sent to Spokane and got Dr. Stratton.

Q. Where did they keep the men who had the fever?—A. They layed right there in the stable.

Q. You asked that they be removed to more comfortable quarters?—A. Yes. I told Mr. Toner, who was a merchant there—I told him that something should be done; I told him it was too bad that in the condition they were in they should be left there; I told him that Lenike was sick, and asked him if he could not go bonds for him and get him out of there, and he said he would attend to it and see Sinclair, but he would not give him any satisfaction whatever in regard to the matter.

Q. The military was governed by Mr. Sinclair at that time?—A. Yes.

Q. And he claimed to be a representative of the governor of the State?—A. Yes, he was. The governor signed the order and he took charge of the affairs.

Q. What other injustice, if any, did you see visited upon the men there?—A. The only thing I saw was a man whose name I don't know now—they called him Sailor Mike—he was a sailor; someone spoke to him about the signing of the permits, and he said for the boys not to sign permits; not to take out any permits, and not to sign their liberty away. The authorities took him and put him in the corner of the fence, and made him stand there in the sun with his hat off for 2 hours. I saw him standing there. I did not know what it was for until I heard of it after that. They would not give him any water or anything at that time.

Q. Was it warm weather or cold?—A. Quite a hot day; that is, quite warm weather at the time.

Q. You know what these permits are, do you?—A. Yes.

Q. And do you know whether the men are generally disposed to sign them?—A. No; they have not so far. Of course I consider, and I guess they consider the same thing, that they would be signing away their liberty. I don't see any reason why we should be obliged to take out a permit to make an honest living. At least, I don't see why a man should have to take out any permit.

Q. (By Mr. RATCHFORD.) What liberty has a man got to sign away when he is in the bull pen?—A. In there he has no liberty at all. These permits are for men on the outside, and eventually for those who are in and will come out. It is only a week or so ago that I heard Sinclair say that he would not give those that condemned the permits any permits now; even if they wanted them they should not have them.

Q. (By Representative BELL.) That is, if they still continue their organizations, he would still refuse them permits?—A. That is it, yes; that he would not give these old-time unions any permits, even if they wanted them. These permits are

the same as the old Bunker Hill Company permit; that is what I call them. They have had them in effect there for at least 4 or 5 years; that is, about the same thing.

Q. It is practically the nonunion-employee permit?—A. Yes.

Q. In other words, if the miner signs them he denounces the organization to which he belongs and pledges himself not to join another?—A. Yes; that is the way the permit reads.

Q. Do the men of the camp, especially those belonging to the unions, refuse to sign them?—A. Yes; and quite a number of others refuse to sign them also.

Q. The men generally in this part of the country belong to unions?—A. Yes; as a general thing.

Q. And believe in the beneficial effects of unions?—A. Yes.

Q. Is there anything else out of the ordinary run?—A. I consider this trouble, the last part of it, was brought on by the Bunker Hill people.

Q. That is the general idea here, is it not?—A. Yes.

Q. The refusal of one mine to abide by the system of the camp precipitated the trouble?—A. Yes. They would not recognize the men, would not hire the doctor they wanted, and wanted them to go to certain stores to trade. Did not get right down and tell them that, but they held their jobs longer if they did.

Q. (By Mr. RATCHFORD.) Do you know of any reason why that company could not pay the current rate of wages?—A. No.

Q. They have no disadvantages in the production of their ore or in its transportation as compared with other companies?—A. No; I consider it the cheapest worked mine in this country.

Q. You know of no reason why they should not pay the current scale of wages?—A. No.

Q. As to permits. If you were a miner and situated as the average miner, would you sign such a permit?—A. Never in the world; no.

Q. And as to the incarceration of these men, how long are these men confined in the bull pen after their arrest before they get a trial? What charges are preferred against them?—A. Lots of them never had any trial and never had any charges against them.

Q. They have been in there how long?—A. They were arrested 2 or 3 days after the mill was blown up, and that has been about 3 months.

Q. No charges preferred?—A. No; they don't know what they are in there for.

Q. No hearing granted them?—A. No.

Q. What is your judgment of that process of meting justice out to men? What is your judgment of such a process of law?—A. I don't consider there is any justice or law about it. There are lots of men in there with families. I know one man there has 5 or 6 children at home, and there is no charge against him; still they retain him there. Mr. Sinclair has made the same remark that I have made, as I have been told by different ones, that when he turned them loose he said, "Boys, we have nothing against you, and did not have when we put you in here: but we simply wanted to give you a taste of what we will do if you ever do such a thing."

Q. This was Sinclair's language?—A. Yes.

Q. Do you believe that these men who are confined for such a length of time without charge preferred against them, and no trial granted them, are lawfully incarcerated under the laws of your State?—A. I don't; no. They arrested men there and didn't even let them go to their homes to change their clothing—took them right out of wet mines with their clothes all wet, and did not even give them a chance to take other clothing with them.

Q. What, in your opinion, should be done with reference to bringing guilty parties to justice and treating innocent men as they deserve to be treated?—A. My opinion is just this: They should do as was done in 1892—bring these men to a preliminary trial at once, and to those that prove they were not there give them their liberty, and punish those they have evidence against. That is my idea of the matter exactly.

Q. Punish the violators of the law?—A. Yes; I don't believe in punishing innocent men and taking them away from their families when they never did anything and were right at home at the time of the trouble. It seems as if they had a spite against the innocent men as well as the guilty.

Q. The punishment meted out to these men is more far-reaching; it reaches their families as well during this confinement?—A. Yes; doing great injury to the families.

Q. Do you know of cases where the families of men confined in the bull pen have suffered?—A. I know of cases where, if it had not been for the miners' union, people visiting them and sending in provisions, they would have suffered.

Q. Do you know of any such cases where the State took care of the families of those men incarcerated?—A. Not a one.

Q. (By Mr. MANTLE.) Is it a fact that the acting governor, Mr. Sinclair, has had charge of this entire matter and has directed these movements and arrests?—A. Yes.

Q. And he is the responsible party representing the governor in these transactions here?—A. I should naturally think so.

Q. That is the understanding of the community?—A. Yes.

Q. Was there martial law here in 1892?—A. Yes.

Q. And such treatment of prisoners as has been accorded here?—A. No.

Q. Do you consider this Bartlett Sinclair as responsible for the policy and course that has been carried out by the troops in handling these prisoners?—A. I think Sinclair is the auditor, and that the governor said what to do.

Q. The governor acting through Sinclair?—A. Yes.

Q. The soldiers, in your judgment, merely carried out the orders of the governor of the State?—A. Yes; I don't think they have violated the law.

Q. Did the Bunker Hill and Sullivan Company have a store of their own?—A. No; not for the last few years.

Q. Are they interested in a store?—A. They have a boarding house of their own.

Q. Are the men obliged to board at their boarding house?—A. They claim not, but the most of them board there.

Q. Who owns the property of the Bunker Hill Company?—A. It is said the Standard Oil Company. All that I know about it is what parties claim, and that is that they own it.

Q. Are they represented on the tax list as owning it?—A. I don't know about that.

Q. There is no real knowledge about it?—A. No; it is a rumor; that is all.

Q. Have you told us all the outrages that have been perpetrated?—A. I know of one other: This man Shannon, when they forced the permit system—Mr. Shannon and John Pressley, foreman of the mine, refused to take out permits. This deputy, Murphy, drove up to Wardner, with two men besides himself, to take charge of the mill. They announced that they would not take out permits, and this deputy said to Shannon, "I will give you 3 minutes to take out a permit." I got this from Shannon himself. Shannon said to him, "What have you got to do about it? What have you got to do with this permit business? You are not Mr. Sinclair." He said, "Show me your authority first; then we will talk about it." Then the deputy says, "I don't have to have any authority; I am authority enough myself;" and then he said, "If you don't take out a permit don't you touch that mill." He said to Shannon, "Don't you touch that mill; I have got this property now myself." Murphy said, "I don't want you to lay hands on that mill;" and then Shannon said, "Well, don't you lay hands on it. I will turn it over to Pressley, but not to you. I have got charge of this property and don't you lay your hands on it."

At that time Pressley came in and Shannon told him that this man claimed he was in charge of the mill, and asked Pressley what he should do. He said he would not turn it over to the deputy, but that he would turn it over to Pressley; and Pressley said that it was all right. They quit then and went down town. I was standing in front of Page's Hotel, and Mr. Shannon was inside of the saloon, and someone asked him about taking out a permit, and he said he would not take out a permit. The other boys spoke up and said they would not take out a permit. Murphy and Miller, who was a constable there, were also in the saloon. Shannon then started out toward Mr. Getches—I don't know whether he was going there or not; but anyhow, it seems that Constable Miller and Murphy met Shannon as he went across the street and said something to him, and told him to keep his d—d mouth shut; that he must let him get that mill; and added an oath and said, "You are under arrest." This man Shannon said, "All right; if I am under arrest, I am under arrest." Shannon was standing right up close to him, and he had his hands dropped down by his side. Murphy reached in his pocket and drew out a gun and shoved it in his face and said, "G—d d—n you, you will keep still now, won't you?"

Q. What is your opinion of the outrage committed there, the destruction of the mill, and the killing of the men?—A. Do you mean who I think did it? I have a very poor opinion of it. It was an outrage, whoever did it.

Q. Are you familiar with the circumstances of the shooting of these men?—A. No; I did not see the shooting.

Q. (By Mr. KENNEDY.) Did the civil officers, so far as you know, direct the arrests made by the soldiers?—A. Yes; that is, they went around pointing them out for that purpose.

Q. And instructing the soldiers to arrest them?—A. They would simply point their finger at them and the soldiers would go and take them, or the deputies might perhaps take them and turn them over to the soldiers.

Q. Is Mr. Sinclair still actively directing the soldiers and deputies?—A. My understanding is now that he has left Dr. France in charge—Coroner France. I saw it in the paper. I don't know how true it is.

Q. Are you reasonably well informed as to the politics of this county?—A. Fairly well; yes.

Q. It was intimated to the commission this forenoon that politics had something to do with the change of the county offices, county commissioners and sheriff; do you know anything about that; whether there is anything in it or not?—A. No doubt there is some truth in it.

Q. Is that the opinion of the community?—A. We consider that they are trying to keep these men incarcerated, and whenever they let them out make them leave the country, so that they will not have any vote here. At least, that is my opinion in regard to the matter.

Q. Do you think that politics has had something to do with the deposition of the old board of commissioners and the selection of the new?—A. There is no doubt about it in my mind.

Q. Is that same opinion held by many citizens of the county?—A. Yes.

Q. You have heard it expressed, have you?—A. Yes; freely.

Q. And that certain politicians were glad of the opportunity of the strike, probably for the purpose of deposing these officers?—A. Yes; that is the supposition of those I have heard talk about it.

Q. Have the men who were indicted been transferred from the pull pen to the county jail?—A. Mr. Haney? I don't believe they have put him back in the bull pen yet. Not to my knowledge. They have no charge against him, they claim, but they are still holding him.

Q. There have been some indicted?—A. They are in the bull pen; lots of them.

Q. Still in the bull pen?—A. Yes.

Q. Indicted under civil authority and still under martial law?—A. Yes.

Q. (By Mr. RATCHFORD.) Would you care to explain what peculiar political situation is existing in this county that would make such things necessary or even possible?—A. My idea of that matter is just this: The Populists in this county have heretofore been on top; have always elected most of the officers; and the other sides have worked very hard and have even put up money to defeat them right along in every election we have had here; but they have not defeated us much, and they have gotten awfully sore, and they will put up every scheme to defeat them in this election; and that is what I said was their motive in keeping the men incarcerated down there.

Q. The Populists are in control in this county, are they?—A. They have been in control of the political situation and have elected their officers.

Q. Have you anything to say as to the underlying cause of the blowing up of this mill?—A. Well, it has been an old running sore there ever since 1892, between the Bunker Hill Company and the miners' unions—the laboring men. They have always paid less wages there than were paid by any other company in the country, and never would hire miners' union men.

Q. At their mines?—A. Yes; at their mine and mill. And just as soon as one of their men would join the union they would fire him; in fact, that has been their policy—not to hire any union men and to fire them just as soon as they joined the union. This thing has been growing ever since 1892. That is the way I look at it.

Q. That being the case, the Bunker Hill and Sullivan Company would not employ any union men at their mines; but that hardly explains the object in destroying the mill. Why is it that the mine was not destroyed instead of the mill?—A. Well, the mill was more accessible. The mill is right off the railroad track and is right close, while you would have to go 2 or 3 miles from the railroad to get to the mine.

Q. The product of the mine was handled at the mill, was it?—A. Yes; the ore was hauled down by tramway.

Q. Then the destruction of the mill practically closes the mine?—A. Yes.

Q. What has been your experience with the miners' unions during the years you have lived here?—A. What experience I have had with them has been very satisfactory. They always treated me very nicely. I never had any trouble with them at all.

Q. As a rule, the members of the union are friends of law and order, are they?—A. I consider them so. They have traitors among them—bad men—the same as

any other organization. It follows any other organization; always have some bad timber in them.

Q. You are satisfied that there is no violation of law intended by the members by virtue of their constitution or by any action taken in the local union?—A. I am satisfied there was not; in fact, I belonged to the Knights of Labor a long time myself and I know such a thing never came up in our hall.

Q. Is it your judgment that the membership as a whole deprecate the commission of crime and are willing to bring the guilty parties to justice?—A. Yes.

Q. You stated a few moments ago that the miners' union provided for those in need. Is it the general custom of that union to take care of its sick membership and their families?—A. Yes. As I understand it, they have a sick benefit of $10 per week for those that are sick. That is my understanding of it, although I am not a member of the miners' union and never belonged to one; that this benefit is intended to care for the sick. They have a burial fund also, and they take care of the widows and orphans, even after the man is dead and gone. Their principles, I think, are first class, so far as I know.

Q. To what extent is education and literature diffused among the members of the union by the union; is it an educational institution to any extent?—A. I consider it so; yes.

Q. Have they any reading rooms?—A. They have none in Wardner; they have one in Burke and Gem.

Q. On the whole you consider it a good thing for the miners?—A. I do. I consider that if we had no miners' unions or organized labor in this country the mines would be worked at $2 or $2.50 per day, and maybe less.

Q. You consider the rules of this union perfectly lawful and legitimate, so far as you are acquainted with them?—A. Yes.

WALLACE, IDAHO, *July 27, 1899.*

TESTIMONY OF MR. FREDERICK BURBIDGE,

Manager Bunker Hill and Sullivan Mining and Concentrating Company.

KELLOG, IDAHO.

The subcommission on mining met at 9 a. m. in Wallace, Idaho, July 27, 1899, Chairman Bell presiding. Mr. Frederick Burbidge was sworn and testified as follows concerning the labor troubles in the Cœur d'Alene mining district of Idaho:

Q. (By Mr. RATCHFORD.) Please state your name, address, and the business in which you are engaged.—A. Frederick Burbidge; Kellogg, Idaho; manager Bunker Hill and Sullivan Mining and Concentrating Company.

Q. How long have you served in that capacity?—A. Five or 6 months.

Q. Prior to that time what were you engaged in?—A. Assistant manager of the same company.

Q. How long have you been connected with the company in an official way?—A. Six years.

Q. Is the Bunker Hill and Sullivan Company incorporated under the laws of your State?—A. Under the laws of the State of Oregon.

Q. What is the capital stock?—A. Three million dollars.

Q. Who are the stockholders of the company?—A. The principal stockholders are D. O. Mills, V. M. Clement, John Hays Hammond, William H. Crocker, J. Forbes Leith, Cyrus McCormick, W. H. Chalmers, of Fraser & Chalmers, James Houteling, and H. B. Butler. I don't know the names of the other stockholders, as the books are kept at the other office of the company.

Q. Has the Standard Oil Company any connection with your company?—A. None whatever.

Q. None of its officers?—A. None at all.

Q. What is the par value of each share of stock?—A. Ten dollars a share; 300,000 shares.

Q. Is your company paying dividends?—A. It has until lately paid some.

Q. How recently has it paid dividends?—A. As late as the month of April.

Q. For what term?—A. They have been paying dividends for about 2 years.

Q. Monthly, quarterly, or annually?—A. Monthly.

Q. Is the actual capital invested by the Bunker Hill and Sullivan Company equal to the amount for which it is capitalized?—A. Yes; I believe so.

Q. Don't carry any watered stock?—A. No.

Q. (By Mr. KENNEDY.) I would like to ask you to state the amount of the April dividend, if you can and will do so?—A. It was $21,000.

Q. (By Mr. MANTLE.) What did it amount to in cents on the share?—A. Seven cents a share. The company has been in operation for about 13 years, and in that period the total amount of dividends paid has amounted to a little over $600,000. It amounts to less than 2 per cent per annum on the capital stock.

Q. Have these same gentlemen that you named been the owners of the mine from the start?—A. Since about 1890 they have controlled it.

Q. What interest has it paid to the owners since that time?—A. Just about the same rate of dividends that had been paid prior to that.

Q. Two per cent per annum?—A. The capital is $3,000,000; they paid a little over $600,000 for the 13 years; that is 20 per cent of the total, and you divide that by 13 years and you get less than 2 per cent. The company was organized about 12 years ago, in 1887.

Q. (By Mr. KENNEDY.) Has any considerable amount been reinvested in improvements or new purchases?—A. A good deal went into improvement. The company has a very extensive plant and it has always been its policy to keep that plant up, and it has spent as much as possible to keep the mine in good condition and not to gouge it, but to run it in a legitimate and business-like way with due regard for the life of the property. The mine is a large one, and having large ore bodies and long life before it, it is necessary to plan everything with that in view.

Q. Can you state what amount of the earnings has been invested for the betterment of the mine?—A. Yes; I should say it would amount to $50,000 a year.

Q. Three hundred and fifty thousand dollars then?—A. Yes; it would be more than that; it would be about $600,000.

Q. So that it has really earned about $1,300,000 in 13 years?—A. Adding that; yes; but of course that could hardly be called net earnings, because this goes to the necessary improvement.

Q. No part of that was expended in prospecting or developing any other property?—A. No.

Q. (By Mr. RATCHFORD.) With respect to the comparative earnings of capital invested in mining, go back as far as you think you can go—5, 10, or 15 years—and make a comparison of the mining business with the present time; the development in mines and the mining business generally; either by your own company, or in a general way.—A. I think that during the past 6 or 7 years this company has invested $500,000 or $600,000 in the development of mines and the purchase of other mining claims in addition to those they already owned. They spent in exploration from $30,000 to $50,000—say $40,000—per year in dead work exploring for new ore bodies.

Q. That has been done, has it, during the number of years you have been engaged with the company?—A. Yes. I speak of the past 6 or 7 years; that is the time I have been connected with it.

Q. Taking that into account, how do the net earnings to-day compare with the net earnings of the same company 6 or 7 years ago?—A. I think the net earnings to-day are somewhat larger than they were at that time. The reduction in the cost of treating the ore—the smelting—has increased the value of the product. The cost of improvements—that is, the investment of part of its capital in improvement, such as improved power plant, etc.—has made it possible for them to work the ore cheaper, and has increased their net results a little in that line.

Q. How do the net earnings compare with the earnings in other investments, such as banking, real estate, manufacturing, etc.?—A. I don't think in this particular case they can be compared at all. I suppose the ordinary commercial business will yield 5 per cent or more on the capital invested. Our mining business has not yielded so much in this particular case.

Q. Is your company, as regards its earnings, an exception to the rule, or is it a fair average?—A. Well, perhaps it will be better for me to explain the situation here with regard to some of the mines. The mines at Wardner carry very little silver. Some of those at Mullan carry a little silver. Lots of those on Canyon Creek carry much more silver. For instance, with us the concentrates which run about 60 per cent lead carry about 24 or 25 ounces of silver. The Standard mine and the Frisco mine will carry from 40 to 60 ounces of silver. The Standard mine really carries more ounces of silver than units of lead. With the Standard mine, 60 per cent of lead will carry about 65 ounces of silver. At the Frisco, 60 per cent lead will carry about 50 ounces of silver. Then, again, the vein formation is different at Wardner from what it is here. The Bunker Hill vein is a very large vein and lies very flat, and the cost of a ton of ore with us is greater than the cost of a ton of ore extracted from the mines on Canyon Creek, where there are smaller veins, which are more compact and more nearly vertical and easier to handle.

On Canyon Creek they send practically everything they break to the mill; with

us we have to do a great deal of sorting after the ground is broken. We sort about one-third of the ground broken as waste and leave it in the stopes. Then, because of the thickness of our vein and its great size, we have to do some very heavy timbering and filling. We frequently have to bring waste in from other parts of the mine for use in filling in the ground where it is needed. And while we have so much ore in the first place it is rather less valuable than it is from a number of mines up here, because it costs us so much to get it. We have perhaps larger ore bodies than some other mines in the Cœur d'Alenes, but the financial result depends upon what it costs per ton to get it; and I think, as I say, that it exceeds the cost at those mines on Canyon Creek. The Morning mine has also a low-grade ore. Then, as to lower-grade ores, they can do better than we can because their cost is not so great. They handle just about the same tonnage that we do.

Q. It is to be taken from your testimony that the value of your ore is not equal to that of competing mines, surrounding mines; your ore is less valuable per ton?—A. Yes.

Q. But your vein is somewhat thicker and larger in size?—A. It is large, but the ore occurs in separate bodies. We may have an ore body and then perhaps drift 400 or 500 feet before we get another; that is, you understand, the ore is not continuous throughout the length of the vein; it occurs in what are called chutes.

Q. Is the producing capacity of the miner any greater in your mine than it is in the neighboring mines?—A. I imagine it is just about the same.

Q. (By Mr. MANTLE.) Does your mine run as high or higher in lead?—A. I think it runs rather lower. These things vary from time to time. We might have a certain spot that will yield very good ore, and if it forms a large proportion of the ore being treated that will run the mill returns up. When we get through that spot perhaps the next one will be very low, and this forms the output for the time being, and then the mill returns will be lower. At times the ore will run what we call 6 to 1—that is, 6 tons of ore to 1 ton of concentrates—at another time it takes 8 or 10 tons of ore to make a ton of concentrates, which will have the same value as that which takes 6. That means that the cost of a ton of concentrates is increased in the ratio of 6 to 10.

Q. That would average about 6 to 1?—A. No; the average is about 8 to 1.

Q. (By Mr. RATCHFORD.) What has been the effect of restrictive or other industrial legislation on the capital invested in mining; or have you any such legislation?—A. No. Such legislation has been broached and a proposition has been introduced in the legislature here, but never passed, to tax the output of mines. That, while it was under consideration, had a tendency to discourage investment in mines; but, as I say, it never became a law. I do not know of any other legislation which adversely affects the mining industry.

Q. How many men are employed by your company in all departments in and around its mines?—A. In and around the mine and mill, about 450 men.

Q. Do I understand that in the organization of your company the mill and mine are both capitalized at $3,000,000?—A. Yes; that is the entire capitalization of the company.

Q. As to taxation—character and extent?—A. The taxation in this county last year was 5 per cent, and the year before 5¼.

Q. (By Mr. MANTLE.) That is all the taxation, State and county?—A. Yes.

Q. Fifty-five mills?—A. Yes.

Q. It is excessive, is it not?—A. Yes; we all think so.

Q. (By Representative BELL.) How is the assessment?—A. The assessments are supposed to be about two-thirds of the value.

Q. (By Mr. RATCHFORD.) What was your property assessed at that was capitalized at $3,000,000?—A. They don't assess the mines; they only assess the improvements.

Q. (By Mr. MANTLE.) Do they assess the net profits?—A. No; not in this State.

Q. Only on improvements and the patented ground?—A. Yes; the patented ground is assessed.

Q. (By Mr. RATCHFORD.) What amount of property did you pay taxes on last year?—A. Two hundred and fifty thousand dollars. That is what it was assessed at.

Q. Have you any suggestions to offer for the modification of tax methods, State or local?—A. No; I don't think I have anything to offer in that line.

Q. Discrimination in freight rates, effects of upon capital and labor, in localities?—A. I don't think any such discrimination exists in this part of the country. If it does, I am not aware of it. The rates are published and all parties get the same rates for shipping the same class of commodities.

Q. Any rebates?—A. Not to my knowledge.

Q. The closing of mines in localities, natural and artificial causes?—A. In this district the mines seek to have continuous operation. The organization of a large

mining force is rather an expensive matter, and for that reason the large companies have frequently continued to operate their properties even at a loss rather than suffer what we would consider a greater loss by disorganization of the crew, in the hope, of course, that the conditions would improve, and that they would thus keep the crew together and then make some profit. I know in 1896, when prices were exceedingly low, our company ran along for a period of 4 or 5 months, losing money every month; but it was considered better business to do that than to let the crew go. Other causes of course affect the operation of the mine, as where the ore bodies give out, or failure on the part of the management to keep development work so far ahead that a steady run can be secured. It has always been our policy to keep the development so far ahead, and we always have enough in sight to run us 2 years.

Q. Have you had any of your mines closed at any time from any artificial cause?—A. Not entirely closed. We are running with a reduced force at the present time, from what I suppose would be called an artificial cause—that is, the destruction of our mill. It renders it impossible for us to do our concentrating here. We have continued to operate our mine and ship our first-class ore. We are now working about 125 men.

Q. Your mill has been destroyed, has it?—A. Our mill was destroyed on the 29th of April.

Q. By whom?—A. By a mob of armed and masked men, most of whom came from Mullan, Burke, and Gem, joined by some at Wardner.

Q. Relate the story of the destruction of your mill?—A. I will begin with a statement of the situation in 1894, because that has some bearing on the matter. At that time the Bunker Hill company employed not so many men as now, perhaps about 350 men, and it employed union and nonunion men without discrimination of any kind, and paid wages at that time of $3 per day for laborers and $3.50 for miners. In November, 1894, the miners' union of Wardner made a demand upon the company that wages be raised to $3.50 all around for the unskilled labor of mucker or carmen; that the mucker and carmen should receive as much as skilled labor, as much as the miner or the man who ran the drill and machinery, and that the company should discharge all nonunion men. The company refused to accede to these demands and the mine was shut down. It remained shut down until June, 1895. At that time, by reason of the request of 200 people or more, residents of Wardner and Kellogg, where the property of the company is situated, wherein they petitioned the company to start up the mine again, the matter of opening the mine was considered.

But at that time the market conditions were very unfavorable, and inasmuch as the mine was already shut down and the crew disorganized, and as it would be very expensive to get a crew together again, the company declined to start up. But upon further urging the company agreed to start up, with the understanding that it should pay $2.50 for laborers and $3 for miners. It did start up on that basis, with the further understanding, however, that whenever the price of lead and silver should be such that 100 pounds of lead and 2½ ounces of silver would together have a market value of $6 the old rate of wages would be restored. That proposition was accepted by all parties, and the mine went into operation. It took some 2 or 3 months to get a crew together. The miners' union fought it very much, and at Missoula, Mont., and Tekoa, and all other lines of approach to this place, they warned men not to come in. But in the course of 2 or 3 months we got a full crew and continued to operate the mine to its fullest extent until April last. Because of the position of the miners' union, and because of the demand that had been previously made that all nonunion men should be discharged, the company was forced to take a stand on one side or the other, either that it must employ all union men or all nonunion men, as the two classes could not and would not mix.

The company elected to stay by the nonunion men. They were the majority of men in its employ at the time of the strike in 1894, at the time the demand was made by the union men, and a great many of them were old, faithful employees and good men, who had been with the company a number of years; and the company would not turn them loose, because they had stood by it. It has continued to operate as a nonunion mine ever since. If union men got in the mine, as they did, and didn't agitate and didn't make that fact offensive in any way, it was ignored; but when they were agitating or trying to get other men in the mine to join the union, if they were discovered they were discharged. In April of this year, on the 19th of April, I think it was, notices were posted around Wardner calling upon the nonunion men working in the Bunker Hill and Sullivan Company's mines, to join the miners' union at once. The notices were signed by M. J. Flynn, committeeman of the Wardner union. There appeared at that time to be rather more agitation going on than had been going on for a number

of years, and we discharged close to 20 men during that month for participation in the agitation. On the 23d day of April a number of men came into the company's office, near the concentrator, at Kellogg, and said they came in as a committee of the Bunker Hill employees and the miners' union. I told them that I could not talk to them as a committee of the miners' union, but that if they were representing our employees I should be very glad to hear anything they had to say. They said, "We are here to demand an increase of wages." I asked them what increase, and they said they wanted $3.50 a day all around. I asked them if there was any other demand, and they said they wanted the recognition of the miners' union.

Q. These were your own employees, were they?—A. About 5, I think, in about 20. I recognized about 5 of them. The majority were strangers to me.

Q. (By Mr. MANTLE.) The rest were not your employees?—A. No, not our employees. That was on Sunday, and I said it was a matter that I should have to submit to the officers of the company, but that I would do so by wire and let them know as soon as I heard. I pointed out that because it was Sunday I could not reach them until the following day. They then withdrew and that same evening, without waiting for any answer, the members of the miners' union at Wardner went up to the Bunker Hill mine in a body. From 100 to 150 men went up there at the time the night shift was going on and the day shift coming off, with the design of course to catch all of them they could. The president of the Wardner Miners' Union, Edward Boyles, made a speech in which he said that they had declared a strike against the Bunker Hill. He called upon them to come down that night and join the union, and that whatever had been held against them in the past would be forgiven, and they would be taken into the fold. None of them went at that time.

At that time we raised the wages to the old scale, that is, $3 for laborers and $3.50 for miners, and the majority of our employees were perfectly satisfied—and never had made any complaint anyhow; in fact there were only a few of them who had joined in the demand of the miners' union. On Tuesday, the 25th of April, and about the same hour, when the shifts were changing, the members of the union went up to the mine again, but this time in somewhat larger numbers. I think 200 of them went up there that time, and they again called upon the employees of the company to come down and join the union, and told them that it was the last chance they would give them; that if they didn't come down and join the union they would have another story for them to-morrow. There was some intimidation at that time—individual cases; no threats in a body; and perhaps 6 or 7 men went with them at that time and joined the union, but the majority didn't go. On the morning of the 26th, as our employees were on their way to work at 7 in the morning, they were stopped by an armed mob of about 150 men at a point on the road leading to the mine, and warned back; told that they could not go to work.

Edward Boyles, president of the union, was again the spokesman of the crowd, and when our foreman came along on his way to work Boyles said to him. "Mr. Roundy, we have given these men 4 minutes in which to go back;" and one man in the crowd said, "And 2 minutes of that time is up;" and another one, drawing a revolver, said, "The man who is on this ground when that time is up will die." Our men, of course, turned back. The mob then chased some of them down the street. They entered a boarding house where some of our men had gone, where they lived, and fired some shots in the house—fired through the doors, and threatened to run them down the hill. I should say also that the Last Chance mine had been closed. That is a mine on the same vein we are on, and adjoins us, and works on practically the same basis, except it has always had a union crew and paid the same wages we paid and raised the scale when we raised ours. I think on the 27th, which was Thursday, the strike was declared off at the Last Chance and the crew went back to work. It was the night shift on Thursday that went back, and everything then, on the face of it, was quiet, but we were constantly receiving warnings that the union was going to do us up, or blow us up and run us out, and all that sort of thing; and we were warned specifically that on certain nights the mill was going to be blown up, but it was not blown up at either of these times.

Passing over Friday, on which nothing particular occurred, we come to Saturday, the 29th; but before taking up the events of the 29th, I want to go back to the 26th; there is something that I omitted. In addition to their turning back our men on their way to work, part of the union crowd captured our tramway. We have a tramway leading from the mine to the mill, and part of the crowd captured that at about 10 o'clock in the morning and tied it up so that we could not operate it. About 20 of them, armed, captured it and remained in possession of it all

through the day and until evening. We were unable to tell during that day whether it was damaged or not. We supposed that it was damaged and that it was wrecked so that we could not use it. I found on the following day, however, that it was uninjured; they had simply tied it so that it could not move.

Now, to come forward again to Saturday, the 29th; the first thing in the morning, between 8 and 9 o'clock, we received advice from a friend that all the mines on Canyon Creek were closed and that the men were going in a body to Wardner to make our employees quit. There had been a great deal of protestation on the part of the officers of the union during the week that no further violence would be done and that they would rely upon moral suasion, etc.; so when I received this advice I thought it was simply a big demonstration for the purpose of influencing our men by force of numbers, and not by force of arms; and I gave instructions to our superintendent to keep the men at work and let this crowd that was coming down interview them at the noon hour, if they wanted to.

But very shortly after that I received further advice to the effect that the mob was armed and was masked, and that it had broken open a powder magazine and stolen a large quantity of powder. I then, of course, realized that moral suasion was not the object of the trip, and I informed our superintendent by telephone to get the men out of the mine, and let them make for their own safety. At the mill I did the same with the foreman there; told him to shut the mill down; and I then struck out to look after my own safety. Of course, I had been representing the company and had been an object of dislike to these organizations, and my destruction was as much demanded as that of the property. With the company's property—all of my household effects—all of my personal property was destroyed.

Now, as to what transpired after I left there, of course, I can not tell from my own observation, but as it is a matter of record I suppose I can tell it. The mill was destroyed by dynamite. The office and barn and some other buildings were destroyed. Most of our buildings were painted red, and the order went forth to destroy everything that was red. It happened that we had one building which was not painted red, and that was the only building of ours that was not destroyed.

The mob captured a number of our employees in the vicinity of Kellogg. One of them was our stenographer and one was an assayer, and one was a man who worked in the mill. That was James Cheyne. These men they held prisoners for a considerable time. They were abused and vilely cursed, and then told to run, and while they were running about 50 shots were fired at them. One shot struck the stenographer. His name is Rogers. The shot struck him on the lip and made a very slight flesh wound. Another shot struck James Cheyne in the hip, penetrated his intestines, and resulted in his death 3 days later. There was another man killed on that day. His name was John Smith. He was one of the union men, and his death was either accidental or designed, because he was a traitor. After he was shot and his body was being carried to the train many people inquired who he was, and the reply was that he was a traitor. The wound from which he died was in his back and circumstances all tend to the belief that he was shot by his own men because he was supposed to be a traitor. After they had destroyed the mill a part of the mob headed for Wardner and one of them, who seemed to be a leader of that particular contingent, said, "Let's go and clean out Wardner;" and about 80 of them started apparently with that intention. Just then the engine whistled and they changed their plans, and this same leader said, "All aboard," and they went down, and the train had already pulled out, but it backed down and picked them up and took them away. After the office building was blown up, and after the explosion, our papers and other valuables were left around, and they were looted from the wreck.

Now, practically nothing further transpired until the following Wednesday, May 8, when martial law was declared by the governor of this State and United States troops came into this district. The Bunker Hill Company at once began to clear away the wreckage preparatory to rebuilding. It has had a large force of men employed in rebuilding, and will shortly have a new mill in operation. The other parts of the plant which were destroyed, the power house and office, have not been rebuilt yet. I think that covers the whole ground generally.

Q. (By Mr. RATCHFORD.) How many men, according to your knowledge and belief, took part in this work of destruction?—A. It is variously estimated at from 1,200 to 1,400.

Q. Took part in it?—A. Yes. In this connection I should like to submit to the commission a copy of the Idaho State Tribune. It is headed "Official paper of the Western Federation of Miners." Its editor is James R. Sovereign. It is the official organ of the local unions as well. The account in this paper of the destruction of the Bunker Hill property is headed as follows: "Bunker Hill destroyed.

One thousand determined men wreak vengeance on the scab mine. Work of destruction complete. Two men killed and one wounded. Soldiers on the ground. Wholesale arrests to be made. Martial law threatened for the entire district." There are parts of it in the nature of an official utterance by the people who took part in it. He works in the Standard Oil Company all through, and it is a case of persistent and malicious misrepresentation.

I also have here something that I should like to leave with the commission. It is entitled "A report on the labor unions of the Cœur d'Alene country, with a special reference to the crimes committed by members of those organizations."

Q. By whom is it prepared?—A. By a newspaper man, and while not official in any sense, it is a compilation of newspaper articles that have been published in this county for the last 7 or 8 years. It is simply a scissors collection of clippings.

Q. You have taken no part in the preparation of it?—A. None whatever.

Q. (By Mr. MANTLE.) Is it authentic, so far as you know?—A. So far as my own knowledge is concerned, I think it is correct. It was handed me this morning by another newspaper man. I have read it before.

Q. (By Mr. RATCHFORD.) Is it signed by anyone?—A. No.

Q. (By Mr. MANTLE.) Do you put it in as a correct statement of existing conditions?—A. Simply what it purports to be by its heading. It is to show the criminal nature of these organizations.

Q. (By Mr. RATCHFORD.) If that paper is not signed by anyone, and not prepared by yourself, and not signed by yourself, it is not of much value to the commission. If you wish to father the paper and read it before this commission, and give the commission the privilege of cross-examination as to its contents, then you may present it as evidence, but without that I don't see how you can.—A. I presume there is no individual in this county who could testify to all of the things mentioned in this report, because they extend over a number of years, and no one here is familiar with all of them. I know that it is prepared from clippings from newspapers published in the district. It is not official; it was not prepared for any official purpose, but it is authentic; just as authentic as any current report would be.

Q. Are you prepared to say that it was prepared by men who harbor no prejudice for or against the miners' unions, nor against the operators, nor in their favor? Was it prepared by men whose love for fair dealing prompted them to prepare it?—A. It was prepared by a man who is one of the fairest men in this world, and a man who, in his capacity as a newspaper man, had written some of the notes years ago that are now in this report.

I will read some extracts from this pamphlet, among which are articles which appeared in the Cœur d'Alene Miner, a newspaper which was formerly published in this city, but which does not now exist. [Reading:]

Miner, April 28, 1894: "Last Tuesday (April 24) the managers of the Gem and Frisco mines were waited upon by a delegation purporting to act by authority of the Gem Miners' Union, and submitted a list of 23 names of men employed in those mines, and requested that they be discharged. The reasons given for making this request were that the men in question form a disturbing element in the community, and had carried guns against the union during the trouble 2 years ago. We have been informed—correctly, we believe—that this committee came without authority, and that the proposition to make the request had been discussed and voted down by Gem Union. We believe that a large majority of the miners' union would prefer to see the mines in operation at the present time than to see them close down rather than accede to all the requirements of the miners' union. The vote of Gem Union on this proposition would indicate that the intelligent, conservative, and industrious element recognize the fact that their chances to gain and maintain what they consider their just rights are better when the mining industry is in a prosperous condition and a feeling of confidence prevails. Employers of labor are not disposed to make concessions when they are losing money.

"After the union had stamped its seal of disapproval upon the proposed action, it seems that the minority, who favored the scheme, got together and selected a committee, with Paddy Burke as chief spokesman, to wait on the mine managers as above stated."

Miner, June 30, 1894: "Much indignation was felt and expressed the first of the week when it was learned that a committee from the miners' union had notified 15 or more employees of the Gem mine to leave the country, also a number in the Frisco. We are pleased to state that most of those so ordered have no intention of obeying the command, but propose to stand upon their rights as American citizens."

Miner, July 7, 1894: "On Tuesday, July 3, between 3 and 4 o'clock in the afternoon, about 40 masked men came into Gem from the direction of Burke. Their masks were rudely made of burlap, pocket handkerchiefs, etc., and it is said that some of them simply had their faces blacked. Their coats were turned inside out and they were otherwise disguised by changing their apparel. Each one carried a rifle or a shotgun. They marched right down the railroad track and crossed over to the Gem mill, in plain view of all who were out on the street. Some of them entered the mill; subsequently all or a portion of them went up toward the middle tunnel. As they approached, each man assumed an attitude of preparation, carrying his weapon ready for instant service. John Kneebone was at work in the blacksmith shop, and so stealthy had been their movements that they were close upon him before he observed them. The instant that he saw them, knowing that they had been threatening him for some weeks, he sprang through the open window and started to run. He did not get 50 feet away from the shop, however, before two shots were fired in quick succession and John Kneebone rolled down the dump, a distance of 30 feet, stone dead. The foremost man in the group, and one of the men who fired at him, said, 'Well, we have got one of them.' They then inquired the whereabouts of Doc Rogers, and returned to the lower tunnel, where Supt. R. K. Neill, Foreman W. M. Crummer, Frank Higgins, and Charles West were taken captive and marched up the railroad track by their masked captors, followed by a crowd of men and boys. The wires had been cut both above and below Gem, which plainly indicated the determination of the men who had undertaken the outrage.

"An hour or so after the murder was committed Manager A. B. Campbell turned over the horse which he rode up to Gem to Deputy Sheriff Kennedy, and he, in company with Messrs. Hammell and Porter, started in the direction that Superintendent Neill and the other men had been driven. They passed through Burke, on past the Poorman power house, over the Thompsons Falls trail. When about 5 miles above Burke, J. M. Porter, who was riding several hundred feet ahead of the others, was suddenly stopped, by a couple of masked men, and ordered to go back. He did not comply promptly with this request, and, during the few minutes that he engaged them in conversation, the deputies rode up, when the fellows immediately dodged into the brush and ran as fast as their legs would carry them. Altogether they saw 5 of them, who were evidently returning to the settlements on Canyon Creek. This occurred about dusk. Several miles farther on they came across Neill and the others, where they had built a fire and gone into camp for the night. It is needless to say that there were mutual expressions of pleasure at the meeting on both sides. The deputies went into camp with them, and there they all remained for several hours, when the deputies and R. K. Neill returned and went over to Murray, while Crummer and the others went over to Thompsons Falls, preferring to go out of the country by that route."

Miner, July 7, 1894 (editorial): "Kneebone's death was the result of his refusal to obey a mandate given him some weeks ago to leave the country. He knew that the feeling of hatred held against him by some of his fellow-laborers, for reasons which it is not now necessary to discuss, was deep and intense, but he preferred to remain and take the almost certain chance of death rather than to sacrifice the right to earn his living wherever he pleased."

Miner, July 14, 1894: "Last Saturday morning, July 7, about 2 o'clock, an attempt was made to blow up the electric-power house of the Bunker Hill mine at Wardner by some party or parties unknown. The bomb or other explosive, which was meant evidently for the entire destruction of the property, fell short of its mission by striking some obstruction that prevented it from going under the building or so close to it as to destroy it absolutely. The building was badly shaken, however. Some of the outer boards were torn off, several of the belts torn to pieces, and the dynamo moved a few inches."

The Silver Star, published at Gem by H. L. Hughes, afterwards elected to the legislature on the Populist ticket, and for a time the editor of the official organ of the miners' unions and the Knights of Labor, says:

"About 2 months ago the miners' union requested the Gem Company to discharge those objectionable scabs, and later on went to the men and advised them to leave the camp, as their presence here was sure to end disastrously sooner or later. Hence no blame for this outrage can be laid at the doors of the union, as they have done everything in their power to avert it by adopting other and more peaceable means, and had great hopes of succeeding. But the blame is due to this gang of their overzealous friends, among whom no doubt the greater part may have belonged to the union, acting of their own individual accord."

GRAND JURY REPORT.

Hon. JULIUS HOLLEMANN, *Judge of said Court:*

We are especially charged by your honor to make an investigation of the outrage of July 3 at the Gem mine on Canyon Creek, an incident of which was the brutal murder of John Kneebone. The occurrences of that day are known to everyone in the country. On the afternoon of July 3, 1894, a band of armed and masked men, some 40 or 50 in number, suddenly appeared at the Gem mine, where the workmen were quietly pursuing their usual avocations, and instructed a search for certain persons working in the mine, whose only crime was that they were obnoxious to these men and their sympathizers. Some of these men came upon Kneebone employed at his work at the blacksmith shop of the mine. As Kneebone, terrified at the sudden appearance of the masked men, turned and fled from the shop, 2 of the masked men fired at him, unarmed and helpless as he was. Kneebone was slain by one of the shots. It would appear that the commission of this foul murder must have disarranged the plans of the masked men, for they desisted from any further effort to find all the men of whom they were in search, and contented themselves with taking as prisoners the superintendent of the mine, the foreman of the mill, and 2 of the workmen, all of whom they conducted up Canyon Creek to the Montana line, where the prisoners were turned loose with orders not to return to the country under penalty of death.

The procession of masked men with their prisoners marched past and in view of the people of the town of Gem, whose attention had been directed to the unusual occurrences at the mine. The deputy sheriff at Gem called upon the citizens of Gem to assist him, but could prevail upon none of them to do so. He himself approached the mob and remonstrated with them, but was warned back with leveled rifles.

The masked men with their prisoners proceeded up Canyon Creek, which is thickly settled above the Gem mine, and in its course the procession passed through the main street of the town of Burke. The masked men must have been residents of Canyon Creek, and though masked in various ways, they were seen by hundreds of their acquaintances, and it is to be supposed that many of them were known to the residents of Gem and Burke as the procession passed up the creek. And yet, though the grand jury has been in session for over a week, and though it is widely known throughout the country that we are sitting mainly for the investigation of this affair, and though liberal rewards have been offered by the State and by the county for the apprehension of the murderers of Kneebone, not a resident of Canyon Creek has come forward to testify to the identity of these men; and, though rumor has it that many of these men were recognized by their prisoners, the exiled men have departed from the State of Idaho, and evidently are afraid to return for the purpose of giving evidence before the grand jury.

We have summoned before us such persons as we had reason to believe had had some opportunities of seeing and identifying these men, but have obtained little or no testimony that would justify us in finding an indictment against anyone.

We therefore with regret suspend our labors on that subject, deploring the condition of our country and the spirit of our citizens, which either through a reign of terror existing on Canyon Creek or sympathy with crimes of this character, prevents the bringing of these murderers to justice; and we can only hope that with the lapse of time and the coming of a better day to our country, evidence may develop which may justify a new grand jury in finding indictments against the right men.

It would be trifling with the subject not to recognize in our report that the outrage at Gem is but one feature, perhaps the ugliest one, of the unfortunate agitation which has been going on now for over 2 years in the ranks of labor in this country, embittering the hearts of men and paralyzing the industries of our country.

We do not mean to charge the outrage to the concerted action of any labor union; we recognize the good that labor unions may do and have done for the working people of the country, and the advisability of the wage-earners banding together for mutual protection and benefit—nay, more, the absolute necessity of organizations among them for these purposes. Capital is powerful in and by itself; labor is powerful for its own good only when the sticks are united and bound together.

There are many good men among the labor unions, and we believe that there are but few among them who would willingly countenance assassination or the driving out of the country of American citizens who have committed no crime against the laws of the land. But it is the pity and shame of too many labor

organizations that outrages are committed in their names by a few men belonging to them, while either a false sentiment of loyalty or the fear of the consequences of revealing the authors of the crimes too often prevents the punishment of the perpetrators of serious crimes committed in the sacred name of the rights of labor. Unfortunately this would seem to be the condition of affairs in this county at present time.

E. H. MOFFITT, *Foreman.*

On October 8, 1894, the Morning mine was started up on a cooperative plan, D. B. Huntley having secured a lease from the Morning Mining Company, and all the men being interested in the lease. The number of men when the mine started up was about 20, which was increased regularly until November 17. The report is that "there were 105 men working in the mine in addition to those employed in the mill, on the railroad, and on outside work." On that day Senator-elect Edward Boyce went up to the mine and as chief executive of the Central Miners' Union of the Cœur d'Alenes posted the following notice upon the door of the boarding house:

"NOVEMBER 17, 1894.

"All underground employees of the Morning Mining Company is requested to join the Mullan Miners' Union at Heney's Hall, 16th instant, at 2 o'clock p. m. or 7.30 p. m.

"This request is final. All underground men is requested to avail themselves of this opportunity.

"EDWARD BOYCE,
"*President Central Executive Miners' Union.*"

Some 20 or 25 of the men complied with this demand, and 10 or 15 more called for their time and left.

On November 22, 1894, the following notice was posted in conspicuous places about Wardner:

"All members of the Wardner Miners' Union are hereby notified to attend meeting this evening in Odd Fellows' Hall at 7.30 o'clock, regardless of what shift you are working on, as a matter of great importance will be brought before said meeting.

"WILLIAM MURPHY, *Secretary.*"

This meeting was very well attended and resulted in a rather long session. It was resolved to at once stop all work at the mine until all men eligible to membership were compelled to join the union and the remainder driven out. In order to carry this resolution into effect several committees were appointed to act next morning. A committee of about a dozen men were stationed on the road leading up to the mine so as to turn back anyone who might be going to the mine in quest of work. Another committee went up to the mine to warn the men to quit work, informing them that if they did not join the union before 10 o'clock that morning they would be driven out. A third committee presented itself at the office of the Bunker Hill and Sullivan Company as early as 6.30 a.m. They were admitted, and the spokesman of the party, who was president of the Wardner Miners' Union, stated that they had issued an order for all underground men to join the union, and that they wanted all the men discharged who refused to join the organization. Also, they wanted all men discharged who were not eligible to membership in the union, and that union men of the town should be put to work.

The president further stated that they wanted the men to join before 10 o'clock that morning, and that they would not adjourn until the matter was settled.

Another member of the committee informed Mr. Bradley that the union must be recognized; that he must hire only union men, and that he could not run the mine without union men.

Mr. Bradley asked what assurance the company would have that the next demand would not be for $3.50, all round, per day, for all men underground, and was told that it would have none. He told them that their demand could not be acceded to. The union then immediately ordered a strike.

On Sunday evening, May 10, 1896, a determined and well-planned attempt was made to destroy the Bunker Hill concentrator. The water power for the mill is supplied by a large flume 8 feet wide by 6 feet high. Just before midnight an explosion of dynamite shook every building within the radius of a mile. The explosive had been placed under the flume, a few hundred yards above the mill, blowing out a section 16 feet long. The machinery at the mill stopped and the electric lights went out instantly. The time selected was when the mill

employees were at supper. Kindling saturated with coal oil had been arranged against the building at the most readily accessible place, and this was lighted the instant the flume was blown up. Fortunately, one or two of the employees had not gone to their midnight meal as usual, and they noticed the flames. An alarm was given, and a bucket brigade succeeded in extinguishing the fire before any great damage was done. As this act was in line with the continued threats and intimations of the unions, it did not occasion any great surprise in the community.

The WITNESS. Now, the matter referred to in the Miner article of July 7, 1894, which I have read, is one of the crimes committed in this district and charged to the miners' union during the period which I have resided in the county, and I am able to say that the statement of it here is an exact statement. I was not on the ground and don't know from my own observation, but everybody in the county knows that this was the case and that it was a true report.

Q. (By Mr. RATCHFORD.) You believe that to be true?—A. Yes; and I know a reward of $7,300, if I remember the figures, was offered for the capture or conviction of the murderers.

Now, in the editorial commenting upon this crime in the Miner of July 7, 1894, just read, it says that Kneebone's death was the result of his refusal to obey a mandate, given him some weeks before, to leave the country.

The reason for the notice to leave the country is this: After the rioting of 1892, in which property was destroyed and 5 men were killed, Kneebone was one of the witnesses against the union men in the trials. He was a marked man from that day, and was frequently warned that they would do him up, and this time they warned him specifically to leave the country, but he decided to stay, and met his death.

The item from the Miner of July 14, 1894, which I have read, relates to something coming under my own observation; that I know to be a fact.

The article which appeared in the Silver Star, which I have read, is a comment from the other side. The Silver Star was published at Gem by H. L. Hughes, afterwards elected to the legislature.

The blowing up of the Frisco mill on the 11th of July, 1892, on which occasion there was a clash between union and nonunion men, resulting in the killing of 5 men, has been celebrated every year as a great public holiday in this part of the county. July 4 here is a very secondary affair; its celebration is usually ignored, and all the jollification and holiday making is deferred until July 11. There are some accounts in this report of it.

I have also read the report of the grand jury that was convened to inquire into the death of Kneebone, and that is, of course, an official document. This is merely a copy here, but it is an official copy from the record of the district court of this county. It shows you the conditions that have existed in this county. The foreman of the grand jury on that occasion is one of the leading business men of this town, and is still here.

We come now to the fall of 1894, when the strike was declared by the Bunker Hill and Sullivan men, as I mentioned in my narrative of events.

Q. Now, reverting to the more recent trouble; you stated that there were about 1,000 men taking part in it. Were these men masked or in any way disguised?—A. The larger part of them were, but not all of them, as I understand. I don't know from my own observation.

Q. What number of them, according to your observation, or rather according to your judgment, were masked?—A. I have no judgment; it was merely hearsay. I did not see them. I have understood there were 150 or 200 masked.

Q. Do you believe that those who were unmasked participated in the destruction of the mill, or were they simply there as sight-seers?—A. I think they were there to participate. Those who did the active work were armed, but there were others who were not armed, because they didn't have arms enough to go around.

Q. Those who did the blowing up of the property were armed?—A. Yes.

Q. In the destruction of the property, men need not necessarily be armed, need they?—A. They probably anticipated resistance.

Q. From the employees of your company?—A. Yes.

Q. Were the employees of your company armed?—A. They were not.

Q. Were there no available arms in or around the company's property?—A. The company had about 10 or a dozen, possibly 15 rifles.

Q. Is it correct that your employees belonged to the State militia?—A. Do you mean our employees as a whole?

Q. Yes.—A. No; it is not correct.
Q. Any part of them?—A. Yes.
Q. Did they belong to the State militia by request of the company or of their own volition?—A. That I don't know; but so far as that goes, more than 50 of our former employees are now in Manila. When the volunteers were called for last year a company was organized in Wardner of 84 or 85 men, of whom over 50 left good positions in our mine and mill.
Q. You spoke of receiving notice or warning prior to the destruction of that property; did the warning you received come to you verbally or in writing?—A. Came to me in the form of a telegram.
Q. Was it signed by anyone in authority?—A. It was not signed by anyone.
Q. In the miners' union?—A. It was not signed at all.
Q. Then it was not a warning from the union?—A. Not from the union.
Q. You spoke of certain men receiving notices to leave; have you any information tending to show that these men received notices from the union or by order of the union?—A. They received their notices from officers of the union in some of the cases.
Q. Was that notice the result of any action taken by the union, to your knowledge or in your opinion?—A. Not to my knowledge, but that is my opinion. The work of the union is, of course, done in secret and it is impossible for an outsider to know absolutely what they do.
Q. According to what you have read from a report of a certain jury, which you state according to your belief is correct, are not a large majority of these union men law-abiding?—A. Yes; I think a great many of them are law-abiding citizens.
Q. That being the case, would the small minority who are said to be lawless try to take any action in the union contemplating the destruction of property or the commission of crime?—A. As to that we can only judge from the actual fact.
Q. Action has been taken?—A. Such action has been taken. If these men were law-abiding generally, they were in the mob which destroyed the property on the 29th of April.
Q. You spoke of a magazine being broken open for the purpose of getting dynamite by which this destruction of property could be accomplished; are you in possession of information to the effect that this magazine was actually broken open?—A. Yes; that is a matter of record; it is to be found in the records of the case which was just concluded in the district court here.
Q. Have you any information as to the officers of any other company encouraging this work?—A. No.
Q. And throwing their magazines open?—A. No; we have no such information.
Q. For that purpose?—A. No.
Q. Speaking of the guns that were used by the members of the union, I want to ask you whether or not the first guns imported into this district were not imported by the operators of mines?—A. That goes back before my time. I don't know of any.
Q. Were you here in the trouble of 1892?—A. I was not. I came here in 1893.
Q. Have you any information to offer us as to that particular importation of guns?—A. No.
Q. Have you any information to offer as a matter of belief, if not as to your personal knowledge?—A. No; I don't believe it was; that is, I have nothing upon which to base a belief it was, and in the absence of that I believe it was not.
Q. Can you state whether or not the men imported into this district immediately following the strike of 1892 incited riots and trouble?—A. I don't know anything about that at all; there has never been anything of the kind during my residence here.
Q. Has it not been current information in this district that such was the case—that the men imported frequently stated, "We must have a fight or lose our jobs"?—A. I have never heard such a thing.
Q. You have never heard it then?—A. No.
Q. Going back to the understanding you had with your miners when you first began operations after a suspension of a number of months, you stated you had an understanding with them that outside men should receive $2.50 per day and inside men $3 per day until the market value of your product had reached a given point?—A. That is correct.
Q. And when it reached that point wages would be advanced. Were wages advanced simultaneously with the increase in the value of the product?—A. They have never reached that point yet, but wages have been raised, notwithstanding.
Q. The Last Chance mine you stated, I believe, employed union men?—A. Yes.
Q. And paid the same wages as your company?—A. Yes.

Q. In this case I don't expect you to answer for the action of any other company than your own. If your position be correctly understood by the commission, it is simply this, that you refused some time prior to this, some years ago, and still continue to refuse, to pay the uniform scale of wages, because the mill product of your mine is less valuable per ton as a general rule than is the mill product of other mines, and because the cost of production is somewhat greater?—A. That is what influenced the company; but I should say that what you refer to as the uniform rate of wages is not the uniform scale; it has not been paid at Wardner even by the mines which have employed union men.

Q. Does the union not seek to establish a uniform rate of wages in all of the mining camps?—A. I believe so. One thing you should understand in connection with the rate of wages in the Wardner district and the district here on Canyon Creek is that the conditions under which the mines are operated are very different. On Canyon Creek the mines are what are known as shaft mines, operated through shafts, and are wet and at a considerable depth. We operate through tunnels, and the drainage is good, and the mine is comparatively dry, and we have a great many openings to the surface, so that the ventilation is good. The result of that is that our men don't have to buy gum clothes, which they do have to buy on Canyon Creek. Furthermore, the rate of board on Canyon Creek is $7 per week; with us it is $6 per week; and, taking all these things into consideration, the man with us works under more favorable conditions for his health and safety and has more net cash at the end of the month than the men who are working in the mines on Canyon Creek.

Q. Have your miners evidenced a satisfaction with the wages they have received during these years past?—A. Yes; there has never been any complaint about that.

Q. (By Mr. MANTLE.) Who was your agreement made with in 1895; with your own employees?—A. Yes.

Q. With nonunion men?—A. Yes.

Q. Who was it made the request that the mine should be opened by petition?—A. The men who had previously worked for us, the nonunion men. They had shut down in 1894, and the men had mostly scattered; but there were of course a great many nonunion men who had remained around there expecting that the mine would start up again, and they did not want to go to the expense of leaving until they were convinced that the mine was not going to be opened again. They remained there a long time in the hopes that there would be a resumption of operations, and these men, together with the merchants in the town, the business men generally, waited upon the company a number of times and finally made this petition.

Q. The petition came from former employees and business men of the town?—A. Yes; residents.

Q. Did you say that your company lived up to that agreement absolutely?—A. It has more than lived up to it; it has advanced the wages before the price obtained at which the advance in wages was to go into effect.

Q. In 1894 you say you employed a mixture?—A. Yes; we did not discriminate. We didn't ask the men whether they were union or nonunion men.

Q. Have you at all times paid as high wages as the union mines around Wardner?—A. Yes.

Q. Have you always paid at Wardner as high wages as the other mines at Wardner?—A. Yes. There is but one other mine there operating on the same vein besides ours, and that is the Last Chance; and that has always paid the same wages.

Q. Did the miners' union object to the wages paid at the Last Chance?—A. They did, and in April there was a strike which lasted 3 or 4 days.

Q. Prior to last April what action did they take in respect to these wages?—A. None that I know of. The union scale is $3.50 per day all around, for skilled and unskilled men alike; but the union has been willing to grant a sort of dispensation in Wardner so that their men might accept less than the union scale, less than $3.50 per day all around, in order to keep their organization alive.

Q. When were they willing to do this?—A. Right along in Wardner. That is the way the Last Chance mine worked union men at less than what is known as the union scale.

Q. Then were you paying last April, when the mill was blown up, the wages which the union was willing that the Last Chance men should work for?—A. Exactly the same.

Q. Then the complaint the union had against you was that you would not employ union men?—A. Yes.

Q. You would not employ members of that union?—A. We have no protest

no kick against organized labor. If organized labor will attend to its own affairs and permit us to run our business as may seem best in our judgment, we have nothing whatever to say against it.

Q. It is not a fact that you would not employ members of the union?—A. No; we don't put that on general grounds, because there has been a new labor organization formed in Wardner lately, and I think probably 100 of our employees belong to it, and we have no objection to it whatever.

Q. (By Mr. RATCHFORD.) If an organization of labor sprang into existence, such as you have pointed out, and would attend to its own affairs and permit you to run your business according to your best judgment, and treat with your company and your company with it as you believe the rights of both sides demand you would not discriminate against the members of such an organization?—A. We would rather they would do so; then there would be someone that we could treat with.

Q. (By Mr. MANTLE.) Let us understand, in a brief statement, what your objection is under existing conditions in this county or community?—A. The conditions in this district at the present time are such that the managers of the mines have no voice in the management; they are managers nominally and not in fact; under the conditions imposed by the unions the foremen and superintendents of the various mines dare not discharge a man for any misconduct or neglect of duty for fear of his life; they must put on a man whether they need him or not because the members of the union or officers of the union say, "Here's a man that must be taken care of." Now, that is not business; it is certainly unjust to the companies, and it certainly can not be good business for the labor organizations in the long run.

Q. Now, what officer of the unions gave assurance preceding the blowing up of the mill that no injury, no violence, should take place?—A. Edward Boyles, president of the Wardner union, made such a statement.

Q. To whom?—A. To several merchants of Wardner.

Q. You know that is so?—A. Yes; I know it is so.

Q. What was the total value of your property destroyed?—A. The value of it, I would say, was from $200,000 to $250,000. Of course, a good deal of that is in the destruction of papers which it is difficult or impossible to replace.

Q. In whose employ was the man Smith, who was shot?—A. I think he was from the Tiger-Poorman; he was from Burke anyhow.

Q. Are you familiar, from anything you have heard, with the circumstances which led to the charge or belief that he was a traitor?—A. Well, I have been informed that he did not want to come down to Wardner; that he offered $50 to be let off, to be allowed to remain in Burke, but that he was told that he would have to come down. He was shot by members of the party, the strikers or rioters. I understand he made a detour on the side of the hill fronting our office; that after some firing had been done, one man shot and this man fell; the wound was in his back, and it was inflicted by one of his own party. They claim it to be an accident, but at first when they were in the full flush of the their victory, as they supposed, and some people asked who it was that was shot, they simply replied that it was a traitor.

Q. Were any of your men armed that day, and did they fire any shots at the strikers?—A. None at all.

Q. Were these men told to run, when 1 was killed and 1 wounded?—A. They were men employed by the company, and they took them on that score.

Q. They told them to run and then shot?—A. Yes; shot 2 of them.

Q. What became of the third one?—A. He jumped in the river and swam away.

Q. He escaped?—A. Yes.

Q. How many men came on the train to Wardner?—A. About 1,000.

Q. (By Mr. KENNEDY.) Do you believe that a brave and determined sheriff of this county could have gathered a posse and have prevented the mob from carrying out their designs on this property?—A. I believe if there had been a brave and determined sheriff there would have been no gathering on that day. In my narrative I avoided the discussion of that, as it looked somewhat political, but at the same time this is a matter of record, and the sheriff has been removed from his office for neglect of duties. And I might have said in my narrative of the facts and of the events of that week that on the 26th day of April, when our men were stopped on their way to work and our tramway captured by the mob, the sheriff was notified of the condition, and one of the men working for us who had previously been a deputy sheriff in 1894 in the Kneebone matter—I mentioned his name in reading from the record which I submmitted—J. M. Porter, who is an engineer and who at present is working for us, that day he called up the sheriff and asked to be appointed a deputy, and the sheriff refused to appoint him, but said he would

come down and investigate it. That was between 9 and 10 o'clock in the morning when that conversation took place, and the sheriff turned up about 3 o'clock in the afternoon, and I had an interview with him. He said I had better get together with the union and settle it. I told him that we had no differences with the union; that though some of our men had quit work, we still had a full crew and were satisfied, and that I looked to him to preserve order; that our men would attempt to go to work that evening on the night shift, and the day shift would attempt to go on the following morning, and that I looked to him to see that they got there and were not interfered with. He said he would do his best, and the men got there without any further molestation. And when he was there at our office on that occasion he was shown a notice warning trespassers to keep off the ground, and he was asked if there would be any objection to putting that notice up on the hillside, and he said no, and the notice was put up the following morning.

Q. Have you a private road leading to the mine? Is the road one built by your company?—A. It leads to the mine and nowhere else. He came down to my office at the mill on the following day and wanted to know what that notice meant. I told him it meant that we didn't want a crowd of men going up to the mine without our permission. This was, you understand, after the two delegations of the union had been there intimidating and trying to induce our men to go down town. And the sheriff then said it was a public road and anybody had a right to go upon it. I said it was not a public road; that it had only been in existence since we built it, and it ran to our property and nowhere else. He said: "Well, if a body of men want to go up that road, armed or unarmed, I am going to see that they go; and if anyone interferes with them and there is any blood shed I will hold the Bunker Hill and Sullivan Company responsible." Well, no further crowd went up and nothing transpired so far as that goes. I mention that simply to show the leanings of the man toward riotous acts instead of toward the preservation of order.

Q. You believe, then, that martial law which is now prevailing here in this district is a result of the negligence and incompetency of the civil officers of this county?—A. Yes; I don't think there can be any question of it. After that armed mob of 1,000 or more men, a great many of them armed and masked, had just destroyed a great deal of property and taken the lives of two men, the sheriff telegraphed to the governor of this State that he had the situation well in hand.

Q. Who applied to the governor to send the military?—A. I don't think anybody did; I think he sent them of his own volition. I had previously applied to the governor for protection earlier in the week, telling him that the county officers were unable to cope with the trouble. He wired to the sheriff in regard to the matter and the sheriff replied that there was no trouble; that there had been a few men out that morning, but that everything was quiet and that he had the situation well in hand and there would be no further trouble.

Q. Have you any knowledge as to whether the sheriff attempted to dissuade these men from their purpose on the 29th, he having gone up with them on the train?—A. I only know from his testimony; I guess there is no question about it. That he made a speech to them; said, "In the name of the sheriff of Shoshone County I call upon you to disperse." Then they took him prisoner, and he said, "Well, I don't care; I have done my duty."

Q. You stated that you lost in the neghborhood of $250,000 worth of property?—A. Yes; that includes the mill property, buildings, and some valuable papers.

Q. Does your company intend to seek indemnification from the State for the loss?—A. That matter is now under advisement by the company's legal advisers. I don't know what the outcome will be and can not say anything about it now.

Q. Can you tell the commission something about the nationalities of the men employed in your mines?—A Well, the majority of them are Americans. I think about 75 per cent of them are Americans.

Q. Native Americans?—A. Native-born Americans.

Q. How about the other 25 per cent?—A. They are mostly English and Canadians. When I speak of English, I mean English, Irish, Scotch, Welshmen, and Cornishmen. There is quite a sprinkling of Canadians, and there has been a small representation of Swedes and Norwegians, and I think, perhaps, 5 or 6 Italians. I can not tell the number exactly of the Swedes and Norwegians. We have 2 or 3 Italians working for us now. They are good men and have been with us for a number of years—good, steady, reliable men.

Q. Have you any knowledge of the nationality generally of the miners in this district?—A. No, I have not except general hearsay; that is, that they are to a a large extent Norwegians, Swedes, and Irish.

Q. Are a majority of them Norwegians and Swedes, do you think?—A. I have not known to what extent they have increased in the last 2 or 3 years. They have increased a great deal in number here.

Q Have you ever understood that the men of these nationalities—Swedes and Norwegians—are given to lawlessness?—A. No; not necessarily so.

Q Have they not a reputation for being as a general thing a law-abiding people?—A. Yes; I think so. Considering them as a race, I should call them a law-abiding people.

Q. Were any of the leaders of that mob, so far as you know, men of either of those races?—A. Well, I don't know just who the leaders were. That is something that is very much sought just now.

Q. Do you know who wrote the proclamation that was signed by Mr. Sinclair and approved by General Merriam?—A. I believe Mr. Sinclair and Dr. France, the acting sheriff at this time, and Judge Lindley, of San Francisco, were the authors of it.

Q. These gentlemen were authorized to do it?—A. I believe so.

Q. You have seen these forms for permits, of course?—A. Yes.

Q. Have you had similar forms of permits for the use of people seeking employment in your mines previously?—A. No.

Q. Previous to the martial law?—A. No.

Q. Nothing like them at all?—A. No; nothing whatever.

Q. Did any of your workers have to sign any paper then whatever?—A. Yes they had to sign an application for employment which should state where they were born, whether married or single, whether an American citizen or not, for whom they last worked and why they quit, and give references.

Q. Do you make it a rule to employ none but American citizens?—A. We are bound under the law to employ only American citizens or those who have declared their intention to become such.

Q. Is this a recent law?—A. Passed about 4 years ago, I think. That is the reason we used that application, so as to get at that fact.

Q. (By Mr. RATCHFORD.) Does your application forbid men from belonging to the union?—A. It does not mention it.

Q. (By Mr. MANTLE.) Have you a copy of your application?—A. I will submit one. [Said application is as follows:]

BUNKER HILL AND SULLIVAN M. AND C. CO.

Application for employment.

All applicants must furnish the following information:
Full name, ——— ———.
Present address, ———.
Nationality, ———. Married or single, ———.
If married, where does family reside? ———.
What was last employment? ———.
Name and address of last employer, ———.
Name and address of last foreman, ———.
When did you work there? ———.
How long? ———.
Why did you leave? ———.
Are you a citizen of the United States? ———. If so, produce papers.
If not, have you declared your intention to become such? ———.
Can you read and write the English language? ———.

Wardner, Idaho, ———, 189—.
Signed. ——— ———.

References.

Give below the names and addresses of persons to whom you refer:
Name, ——— ———.
Address, ———.
Name, ——— ———.
Address, ———.
Name, ——— ———.
Address, ———.

Result of inquiry.

Q. (By Mr. KENNEDY.) Have you any idea why the mob, after destroying your concentrator, did not then destroy your mine?—A. I don't know. Of course I

believe it was their intention to run everybody out of the town of Wardner. As I stated in my narrative, in that day's proceedings one of the leaders said, "Now let's go and clean out Wardner," and a body of them started apparently with that intention, but a diversion was occasioned by the engine whistling and turning them back. Fearing they would be left, they went down to the depot.

Q. You stated that the powder magazine was broken open. It was not opened with a key, was it?—A. Well, I don't know that from my own observation, of course, but it has been testified to in court, and the broken locks were produced in evidence in court, and the manager of the mine says the magazine was broken open, and testified that the man who had charge of the magazine came to him early in the morning and told him that there was going to be trouble and he didn't want to be held responsible for the powder in the magazine, and turned his keys into the office. He said powder was to be taken from the magazine.

Q. You said that you would not object to union men in your employ if they would attend to their own affairs. Do you concede that having a voice in the regulation of their hours of employment, the wages they receive, and the conditions under which they labor would be their own affairs?—A. Yes; certainly. I believe men have a right to combine for their own interests and get as much money as they can for their work, as long as they are law abiding; and I don't think that anybody can possibly object to it. I believe, on the other hand, that if there are 100 men employed in a mine and 99 of them are dissatisfied and 1 man is satisfied, that 1 man has a right to work in that mine if he wants to and the other 99 have not a right to drive him out.

Q. (By Representative BELL.) I understand you to say that in the first place the mines at Wardner are low grade?—A. Yes.

Q. In the second place living is cheaper?—A. Yes; board is $1 per week less.

Q. And in the third place it is a dry mine, while those in the upper district are wet?—A. Yes; and you will understand also that in a shaft mine, by reason of the great cost of sinking shafts, they usually have but one on the property; and, secondly, that the ventilation is all through that one shaft.

Q. And I understand from you that, placing your conditions against the conditions existing in the other mines, the wages, though not numerically so large, were really as large as the wages of the other mines?—A. Yes, they are really as high. Our miners get $3.50 per day, and in fact are better off by 50 cents per day, for they get as much as they pay up here in wet mines, and the laborer with us is just as well off as against the miner on Canyon Creek. The miner with us will save that much in gum clothes.

Q. (By Mr. RATCHFORD.) Then your wages are 50 cents per day less?—A. The miners' wages are just the same, and they get the difference of 50 cents per day net result over the miners on Canyon Creek.

Q. (By Representative BELL.) Who objects?—A. The miners on Canyon Creek.

Q. Why?—A. They affect a belief that the other mines on Canyon Creek will reduce the wages to the same scale as the Bunker Hill Company pays. There has never been any disposition to do it, and I don't think they have any desire to do it.

Q. Now, if your conditions were as bad, your ventilation as bad, and your living as high, as in the upper mines, and your pay 50 cents per day less, then it would result in all of your miners coming up here and leaving your mine alone?—A. Certainly.

Q. Would not that be the necessary result?—A. Yes, naturally.

Q. What is the condition; have you a worse class of miners or better?—A. We think we have better.

Q. You think you have a better class?—A. Yes. It is said by union men that you can not run a mine with scabs, but we have run one for 4 or 5 years without union men.

Q. Is it often the case with a mine that a difference of 50 cents per day paid to labor marks the difference between the ability to run and not to run?—A. Yes, at times, and at other times it would not be. For instance, as stated, we paid $2.50 and $3 in 1896, and we lost money for a number of months. Prices at that time were very low.

Q. That was the time lead was so low?—A. Yes.

Q. Is it a fact that certain mining communities can pay higher prices than others?—A. Some mines, of course, make larger profits than others, and would not be closed down by paying higher wages.

Q. Well, a really low-grade camp can not, as a general thing, pay as high wages as a high-grade camp, can it?—A. No; and at the same time get any returns for the capital invested. Of course capital invested might get some return, but it has no encouragement to continue.

Q. Suppose wages were $5 per day, how would that affect the mining business in a low-grade camp?—A. It would stop it.

Q. And how would that affect the mining industry generally?—A. It would cripple it.

Q. I understood you to say that for a time you were shut down, and you had no idea of starting up while the price of lead was so low?—A. That was in the spring of 1895.

Q. And it was through the application of your men and others, and the assurance that certain concessions would be made, that you started up?—A. Yes.

Q. Then, as conditions improved, you offered to share the benefits with the men?—A. Exactly.

Q. Then the interference came from the mines above you?—A. Yes.

Q. Was there any general complaint in your mines?—A. No; no complaint at all until this committee waited on me on the 23d day of April. I had never heard a complaint or anything that led me to believe that anything but perfect satisfaction prevailed in the mine.

Q. What are your men doing now?—A. About 125 of them are working in the mine; 35 of them are in the tunnel we are driving and the rest of our employees are in and around the mill and in the construction work outside.

Q. You are restoring the mill?—A. Yes.

Q. How did the blowing up of that mill affect the mining industry in Wardner?—A. Except for the fact that we did work which we otherwise would not have done in order to keep our crew together, it would have destroyed the organization there. The miners would have gone elsewhere to seek work.

Q. Did you reduce your force by reason of the destruction of the property?—A. We gave work to all of them that we possibly could in clearing away the wreckage and helping in the reconstruction. Of course the most of them were not competent to do millwright work, because it is out of their line of work, but we employed as many as we could in clearing up, etc. We employed our old men, and we have at the present time over 300 men on our pay roll.

Q. How many men did you have on your pay roll at the time of the blowing up of the mill?—A. Three hundred and twenty at that time, I think.

Q. How long will it take you to replace this mill?—A. Well, the new mill is almost ready to start now. Half of it is now ready, one side, and the other half will be ready to start by the end of August.

Q. What have you to say generally about mining in Idaho; is it thriving?—A. So far as I know, it is. I think it is. Of course I don't know very much about it outside of this county. I am pretty closely confined here by my duties, but I think that the business is very prosperous in this county, and has been until the late troubles.

Q. Is the condition of those engaged in mining improving or retrograding?—A. It seems to me that it is improving. I know in the town of Wardner, near where our mine is, a great many of our employees have been able to build or buy homes for themselves. They have 50 or 60 new houses built there within three years; and that is certainly a sign of prosperity in a little place like that; it means a great deal.

Q. Is it the inclination of your men to build homes for themselves and become a part of your plant?—A. It is. In that connection I would like to state that it is also a part of our policy and our purpose to encourage them, and we do it by building homes for the men and permitting them to pay for them at so much per month as rent for them until they have paid for and own them; or, if they want to pay for them down, we will loan them the money and they can pay it back in that way, so much per month, $10 per month or such larger sum as they choose.

Q. You make an effort to keep your men and make them a part of the plant?—A. Yes; most of our men stay with us a long time. I think if you should get the honest opinion of miners who have worked for us they would say that it is the best mine in the district to work in.

Q. All of your trouble has come from outside of your own affairs?—A. Yes. We have men working for us who have worked for us for 5, 6, or 7 years. The superintendent of the Last Chance mine told me during the month of April, that that he didn't have a man working for him who had been there 6 months.

Q. Does the Last Chance run on the union scale?—A. Not on the union scale, but employing union men.

Q. (By Mr. RATCHFORD.) You said a while ago that a rate of $5 per day would close down the mines?—A. No; I would not say that. It would close down a majority of the mines. I would not say that it would close down all the mines.

Q. Regardless of the value of their product?—A. I can say that the majority of

mines could not stand that increase in their expenses. There would not be any profit, and therefore there would be no object in running them. The object, of course, is not merely to find employment for the men but for a profitable investment of a certain amount of money.

Q. And there is such a thing as the value of your ore increasing to a point where $5 per day could be paid and a profit made on the capital?—A. That is not impossible; but the experience of 13 years has never shown it in this particular case.

Q. Coming back to the difference in the conditions which you have named, as compared with the conditions in other mines in this section, you have a peculiarly located mine, being a drift mine and draining itself?—A. Yes.

Q. While some of the other mines are shaft mines, producing a great deal of water?—A. Yes.

Q. The cost of removing water from mines is quite expensive, is it not?—A. Yes.

Q. That cost is saved to your company as compared with the others?—A. Exactly, and against that it costs something to run the tunnels. We are now running a tunnel to tap the mine at a considerable depth. It will be about 9,000 feet long and will cost in the neighborhood of $200,000.

Q. Do the shaft mines not also require tunnels underground?—A. When they reach the vein they have to drift on it, and that would correspond with us to what we call our cross-cut tunnel, which is going through barren rock, and which costs us a great deal of money in timbering. A great deal of money is expended in timbering.

Q. Does sinking a deep shaft such as you have in the mines in this section equal the cost of driving such a tunnel as you have mentioned?—A. No.

Q. How deep is the shaft?—A. They have sunk 1,600 feet on the Tiger-Poorman. These shafts can be sunk for $50 per foot, and a thousand-foot shaft would be $50,000, as against $200,000 for our tunnel.

Q. Is not the cost of hoisting the material to the surface during the life and operation of a shaft mine in excess of the cost of hoisting the same material to the surface in a drift mine or through a tunnel?—A. That would depend somewhat upon the conditions. It will cost less in the mines on Canyon Creek to deliver the ore from where it is broken to the mill than it will with us, for the reason that our mill is situated about 2 miles from the mine and our ore has to be delivered by tramway. The mines on Canyon Creek hoist their ore to the top of the mine, and then it is right at the mill.

Q. Was there no effort made to arbitrate this late unpleasantness before the riot of April 29, in which your property was destroyed?—A. I did not consider there was anything to arbitrate, inasmuch as there was no dispute between us and our employees. The miners at Wardner had an organization, but with that we had nothing to do, and we didn't have anything to arbitrate with them.

Q. Is it not true that a majority of your employees were interested in the case and prepared to make a demand for higher wages?—A. No; there was no majority.

Q. Were you advised by the governor of the State to arbitrate the dispute?—A. The governor wired calling attention to certain sections of the statute on arbitration.

Q. You say you had nothing to arbitrate?—A. That is what I said.

Q. If you had a good case and really had nothing to arbitrate, why did you fear to submit the position of your company to a fair and impartial board?—A. We would not fear that.

Q. Your recent statement is that you had nothing to arbitrate with them—no demand?—A. I didn't make any statement at all. I simply say that to you.

Q. I understood you made that statement to the governor.—A. No; I made no statement to the governor.

Q. Your position at that time was not a case for arbitration?—A. No; not at all.

Q. In reference to the action of the unions after this property was destroyed, is it true that some of the houses of union men were invaded by the troops and articles or property of the unions taken?—A. I believe so; not of my personal knowledge or observation; but I believe it was done under the authority of martial law.

Q. Did you learn of any instances in which the troops confiscated any records that went to show that the miners' union had taken any action looking to the destruction of this property? Do the records expose any action in that regard?—A. I have not seen any of the records, and therefore I don't know.

Q. Do you believe if such records were obtained by the authorities that they would make them public?—A. I don't know. I am not qualified to speak for the authorities. I don't know what records they have.

Q. Well, you do know that the securing of such records and the publicity of them would be evidence against the miners' union that could not be refuted?—A.

Yes; I also know that if anything of that kind was prompted by the miners' union or any other organization whatever it would not be on record. They would not put it on record.

Q. You believe they would not put it on record?—A. I believe they would not put it on record.

Q. What have you to say as to the proclamation and this permit system? Being a strange procedure, to say the least, and something that I believe has never come to the notice of the commission before, and all being new to us, we should like to know what is sought by the permit system, and what influence has been brought to bear upon the governor and the auditor of the State to issue the proclamation, and whether or not the employers in this section of the country look upon it with favor?—A. I don't know what influences, if any, have been brought to bear upon the governor or the auditor to issue that proclamation. So far as we are concerned we do not look upon it with disfavor, and all of our employees practically signed the necessary permit and remained in our employ. This permit was issued under the authority of martial law, and it was for us to simply obey it.

Q. Do you believe that this permit system will produce better results than you have had?—A. We have always had satisfactory results with our men. My impression is that it will break up all the organizations that have existed heretofore. I don't think it is intended to break up the labor organizations entirely. I don't believe the intention is to break up or destroy labor organizations, but only to disorganize the criminal labor organization that has existed here.

Q. Do you believe that this permit system should be carried beyond the miners' union and into every association, providing such associations develop criminals or are charged with the commission of crime?—A. I think that nobody is charged with the commission of crime now. If so, they will be dealt with under martial law.

Q. Is it not enough to punish the criminal without involving his association, in your opinion?—A. Under the peculiar conditions that have existed here, where the criminal acts complained of have been the acts of organizations, I think it is not enough to punish the individual; the members of the organization are equally responsible.

Q. You state, then, to this commission that it is your firm belief that the organization is responsible for the acts of violence on the 29th of April?—A. A jury of 12 men has just decided that question in the affirmative.

Q. Regardless of the decision of that jury, we want your opinion. Do you state that it is your firm belief that the organization of miners is responsible for the commission of this outrage?—A. I say that the organization of miners which has existed in this district in four places has been responsible for these crimes.

Q. What have you to say to question 51—concentration and consolidation? Treat that subject as you think best.—A. I think concentration and consolidation of mining ventures or mining claims, or the operation of them on a large scale is, generally speaking, for the best interests of the industry; and I don't think such concentration or consolidation affects adversely the smaller enterprises. There are frequently small mines of promise which the owners are unable to operate because of the necessity of having expensive machinery. Perhaps the vein on one of these properties is not sufficiently high grade to justify the expenditure for the necessary works to treat the ore, while a number of such claims in the same vicinity and having the same kind of ore and requiring the same kind of treatment could be taken together and would usually justify the construction of such works. Then, these works could be put in in either of two ways; one by the owners of these claims, if there should be many owners, associating themselves together and putting up the works under one company, which would be substantially the same as an organization of themselves; or they could sell out to other people, to an organization of capital, which would come in and exploit the mines and construct the necessary works. I think, to a great extent, such consolidation is essential to the proper development of the mining industry.

Q. Do you believe when the consolidation takes the form of a trust that it is a public benefit or not?—A. Well, I don't know how mines could be operated under a trust very well.

Q. What is your general opinion?—A. I don't think that trusts are inimical to the public welfare.

Q. A mining trust, for instance; I believe we have such in some of the States, where they have absolute control of the product and regulate it according to the market requirements, and also regulate the price. Do you believe that such a trust is inimical to the public welfare?—A. Do you mean regulating the price of their product?

Q. Yes; regulate the price and amount to be produced.—A. The only trust of

such a nature that I know anything of, and I know very little of that, is in coal mining. That is a matter with which I am not very familiar. I don't know of anything of the kind in metalliferous mines. There is a trust called the lead trust which I think is generally supposed to embrace all producers of lead but it does not. If it is an enemy of anyone, it is an enemy of the producer of lead.

Q. In what way?—A. It fixes the price of lead on the market and the general effect is to make the price of lead as low as it can be while the interest of the lead producer is to have the price as high as it can be.

Q. If that be true of the lead industry, which is an injury to smaller competitors, would it not be equally true in other industries as a rule?—A. Well, I believe competition of that kind has to be met. I know that we have had to meet it. Of course we would always like to see the price higher than it is, but we have to meet the conditions as they are.

Q. Have you anything to say as to the legal regulation of trusts?—A. I have not.

Q. (By Mr. KENNEDY.) Is your company not a consolidation?—A. It is interested in nothing whatever beyond its particular operations here.

Q. It is an independent company?—A. Yes. Of course the stockholders, as individuals, are interested in other enterprises. They are mostly well-to-do men.

Q. Can you say whether the Standard Oil Company is interested in any of the mines in this district?—A. So far as I know it is not interested in any of them to any extent whatever.

Q. (By Mr. MANTLE.) On the general proposition of trusts I suppose you agree that where a combination is formed for the purpose of restricting production, limiting production, and enhancing the price of the commodity to the consumer, it is injurious?—A. Yes. Of course you understand I am merely expressing my personal opinion and have not had the opportunity to give any study at all to the subject. The Standard Oil trust is the great trust of this country, and its product is a great deal cheaper now than it was years ago.

Q. Still one can not say that it is the result of the trust, that it would not have come about naturally, and that individual competition might not have produced the same result?—A. Yes; that can not be denied.

Q. On the other hand you would agree that where a combine is brought about which does not interfere with or attempt to limit production and which does result, by virtue of the combination, in reducing the cost to the consumer, it is not an evil?—A. Yes.

Q. Even though it might in a measure destroy individual enterprises?—A. I should say they would be good although they might affect some little enterprises.

Q. In other words, a trust is only an evil where it is gotten together for the fixed purpose of a practice which is against public policy?—A. Yes. In such a case I should disapprove of trusts.

Q. (By Mr. RATCHFORD.) What have you to say in respect to topics 54 to 59, inclusive, relative to the productive capacity of modern machinery and its effects?—A. The introduction of machinery into the mining industry makes it possible to operate the mines on a much larger scale than would otherwise be possible. Some mines can not be operated at all without machinery. For instance, without a concentrator our mine could not be operated. We might break all ore by hand, using no machine drills underground, but without a mill to treat the ore when mined we could not operate. That is equally true of all the mines in this district. Then the introduction of rock drills underground permits the ore to be broken on a much larger scale than could be done by hand. We can break a great many more tons by machinery in a given time than we can by hand. It has a tendency to reduce the cost of mining, but I don't think it has a tendency to decrease the wages paid for labor, nor do I think it has a tendency to decrease the number of men employed. I know that in our case, and of course I have to base my observations largely on that, we use now twice as many machines as we did 5 or 6 years ago, and at the same time we employ from 100 to 150 more men than we employed 5 or 6 years ago. The reason for that is that we have been enabled to increase the scope of our operations.

Q. By reason largely of the use of machinery?—A. Yes, by the use of machinery; and we could not have done that without additions to our plant in the way of modern machinery.

Q. What is the effect upon prices and profits?—A. Reducing the cost of production would correspondingly increase the profits. Part of these profits, in turn, are invested in machinery, and the increase in profits is the result of the investment in machinery.

Q. (By Mr. MANTLE.) Is it not a fact that by the introduction of machinery you are enabled to work and take out ores that you would not and could not take out by hand?—A. Yes.

Q. And to that extent it increases the number of men employed, because if you put a number of machines to work on a body of low-grade ore which you find it is just possible to work under these conditions, you have given some men employment, and are taking out ore which under other conditions you would not take out at all; and you can employ a dozen or fifteen men, perhaps, where without machinery you would not work that part of the property at all?—A. Yes.

Q. (By Mr. RATCHFORD.) How about the price to the consumer?—A. It makes no difference—makes no change.

Q. Does it increase the wages of labor?—A. To a certain extent; to a limited extent; where, for instance, it requires skilled men to operate the machinery, they must be paid a wage proportionate to their skill.

Q. (By Mr. MANTLE.) As to the overproduction of lead in the United States; how much do we import?—A. We still import lead from Mexico and British Columbia, though we reexport a considerable portion of that for the benefit of the drawback of duty on pig lead.

Q. Is it not a fact that the development in machinery, improvements in production, the reduction of the cost of extraction, and the improvement in the processes of reduction of ores have made it possible in the last few years to work mines throughout this country that never would have been worked under the old methods?—A. Yes; I think that is true.

Q. Is it not essentially true of gold-bearing quartz, in respect to the cyanide process and other improvements?—A. Yes; I think there is a great deal of ore worked nowadays that 10 years ago could not be worked at all.

Q. So that the mining industry generally has been improved, increased, and developed largely by improvement in machinery and in processes of reduction?—A. Yes; I think the greatest benefit to the industry has been derived from the improved processes in smelting and milling.

Q. And, of course, cheaper transportation, etc.?—A. Yes.

Q. (By Mr. RATCHFORD.) Have you anything to say in connection with Part III, relating to industrial and remedial legislation—employers' liability laws?—A. There are laws bearing on this subject, I think, which make it incumbent upon the employer to provide safety appliances for those in his employ, and make him liable in damages for failure or neglect to provide such appliances. I think such laws are essential and perfectly proper.

Q. In regard to section 61, sanitary and personal-safety laws?—A. They come, to a certain extent, under the same provisions as the others. The mines in the State are subject to the inspection of the State mine inspector.

Q. How often must the inspector visit the mines?—A. Once a year, or oftener if any request is made by anyone that he should investigate any mine.

Q. Do you think the inspections are sufficiently frequent to warrant a sufficient current of air for the men employed?—A. Yes, I think so, generally speaking; because if the mine owners don't keep their mines in safe condition, and don't keep them well ventilated, they could not operate them. As a matter of business, apart from legislation, they would have to keep them in good shape.

Q. And also the machinery?—A. Yes.

Q. That being the case, if they are obliged to keep them in good shape for these reasons, what is the necessity of having a mine inspector in your State?—A. I don't know that it is essential. I look upon it as rather a perfunctory affair, as a matter of fact. The lawmakers in every State in the Union regard it as essential that such inspectors should be appointed in every State, but in many cases I believe the inspection departments have some difficulty in having their requirements carried out. The law in this State requires a report to the inspector each year of the labor employed in the mine, number of employees, character of the mine, and, I think, what processes are used to treat the ore. And once a year the mine inspector comes up and goes over the mines, and if he makes any recommendations they are carried out.

Q. (By Mr. MANTLE.) Has there been difficulty in fixing the facts of any neglect here?—A. What usually follows a mine accident, you know, is a suit for damages. If the case is established, the person injured recovers judgment against the company.

Q. (By Mr. RATCHFORD.) The companies have not transferred their liabilities to any insurance companies, have they?—A. They mostly insure; yes.

Q. The insurance company assumes the risk?—A. That does not relieve the mining company of the suit. The suit is against the mining company. We will suppose a case: Say, in this county a mining company is insured; we will say that it is protected to the extent of $2,000 for any person injured; and suppose a person is injured and recovers a judgment for $5,000—the mining company must pay the other $3,000, the insurance company being only liable for $2,000.

Q. As to the laws regulating the employment of children, what have you to say in that connection?—A. I don't know of any such laws in this State. We don't employ children, and I have never had any occasion to inquire into that subject at all.

Q. School laws—have you any suggestions to make looking to any improvement in the school laws, or are your school laws adequate at the present time?—A. I think the school laws are very fair.

Q. Any laws in this State regulating the terms of employment?—A. There are no laws in this State as to pay day. I don't know whether that would be an advantage or not.

Q. (By Mr. MANTLE.) Is there any complaint on the part of miners?—A. No; I think not.

Q. (By Mr. RATCHFORD.) How frequently do employees receive their pay?—A. Monthly.

Q. How much of their wages are kept on hand?—A. They are paid from the 10th to the 20th of each month for the work done the previous month.

Q. You have no regulation about that?—A. Some pay on the 10th and some on the 15th. We pay on the 15th. Some pay on the 20th.

Q. For the work done the previous month?—A. That would be 15 days on hand all the time.

Q. Fifteen days on hand all the time?—A. Yes. You understand, of course, that it takes some time to make up the pay roll for a large number of men. Some mines pay on the 10th, and we could do that so far as that goes if it was necessary, but it takes sometime to make up the pay roll and the books would have to be kept right up to pay prior to the 10th.

Q. Have you any convict labor employed in the mines of your State?—A. I don't think so. I don't know of any.

Q. Any employed in any other industry that you are aware of?—A. I don't know as there is.

Q. Uniformity of mining legislation—what have you to say on that subject?—A. I would rather think it would be advantageous.

Q. To have it uniform throughout the States and Territories?—A. Yes.

Q. Have you any suggestions to offer for remedial legislation, State or national?—A. I don't think so.

Q. Have you any store or tenement houses in connection with your works?—A. We have not. We have some houses which we are building up there now with the intention of renting them to the employees if they want to rent them, and let them buy them if they want to, and pay for them in monthly installments.

Q. It is not your intention to bring any undue influence to bear upon your employees to rent or buy those houses?—A. No; we can fill them, so far as that goes, any time. We can not build them as fast as they are in demand.

Q. You never had a store in connection with your works?—A. Never.

Q. You don't deduct from the wages of the miners for stores where they may have purchased goods?—A. We do. They give orders on us directing us to stop the pay.

Q. The miners do?—A. Yes.

Q. That is a result, I presume, of a demand on the part of the merchant who sells them the goods?—A. The miners frequently buy goods during the month and have not the money to pay for them, and they go to the store and give the storekeeper an order directing us to pay him so much money. We file that order and deduct it from the pay of the man who signs it, and pay it to the storekeeper.

Q. Do you accept the order without respect to where it has been issued or what store the miner prefers to deal with?—A. We make no discrimination whatever.

Q. You make no distinction?—A. No.

Q. Do you, as a rule, make any charges for the collection of these orders?—A. No. They send up one man, who is considered the agent for all the stores, and we pay the check for the gross sum, and he settles with the individual stores.

Q. Have you any system of insurance among your employees?—A. No.

Q. Any of their wages deducted for any other purpose than the sale of goods?—A. One dollar per month for hospital fees and medical attendance.

Q. Is the hospital supported by the company on this $1 fund?—A. It is supported by the men, who pay the doctor who has charge of and owns the hospital.

Q. The doctor is employed by the company?—A. No.

Q. By whom?—A. By the men. He is selected by the men originally, and then they pay this dollar per month to him. He gets that, whatever it may be, according to the number of employees, from month to month.

Q. Have your employees the privilege of summoning whatever physician they choose in case of accident or sickness?—A. They can change their doctor if they

want to change, as a whole. It would be left to a vote, but it is necessary that there should be a considerable number paying one doctor to justify him in maintaining a hospital.

Q. Have any of them ever asked for another doctor to treat them during sickness?—A. Yes.

Q. Did you object to that?—A. No.

Q. You still leave the way open for your men to have a doctor of their own choice treat them, and do it without objection, do you?—A. Exactly; yes. There is only one doctor there now. The other doctor we had moved away from the town. Some of the men formerly went to him, and now they go to the one that remained.

Q. (By Mr. KENNEDY.) If one man desired to employ as his doctor some one else than the one selected by the majority of the men, would he still be compelled to contribute his dollar per month to the other doctor?—A. No; he would have to give notice to the office that he wanted his dollar to go to such and such a doctor.

Q. And there would be no prejudice against him on this account?—A. No. As I stated, there were two doctors getting money regularly.

Q. (By Mr. MANTLE.) Do any of the mining companies in this district, to your knowledge, have company stores?—A. I don't think they have what could strictly be called company stores. There are stores in which some of the mine owners are interested.

Q. Is there any coercion used that you know of?—A. No; not to my knowledge.

Q. No coercion in any form compelling the men to trade at the stores in which the owners may be interested?—A. I don't think so.

Q. Do you know of any complaint among the miners?—A. No; I know there is none down our way.

Q. You think generally that is true of the district?—A. Of course I think there are some stores up here in which the mine owners or managers are interested, but I don't believe there is any coercion on their part.

Q. You don't know of any complaint of coercion on the part of the miners?—A. No.

Q. It is the general rule among these mining companies, all through this intermountain region, is it not, to deduct for hospital dues and to permit the men to secure their doctor?—A. Yes; it is customary all over, I believe.

Q. You are aware of the hospital system in Butte?—A. It is carried out here just the same.

WALLACE, IDAHO, *July 27, 1899.*

TESTIMONY OF DR. HUGH FRANCE,

Coroner and acting sheriff, Shoshone County, Idaho.

The subcommission on mining being in session at Wallace, Idaho, July 27, 1899, Chairman Bell presiding, Dr. Hugh France was sworn as a witness, and testified as follows concerning labor troubles in the Cœur d'Alene mining district of Idaho:

Q. (By Mr. MANTLE.) Please state your name, residence, and occupation.—A. Hugh France; Wardner, Idaho; age, 32; occupation, physician and surgeon. I am a graduate of Bellevue Medical College, New York City, class of 1892, and have practiced at Wardner since May, 1892.

Q. Now, please tell us what you know about this affair in your own way and as concisely as you can?—A. Well, I came to the Cœur d'Alenes in May, 1892; that was just about 2 months prior to the troubles of 1892, which you know were of a similar character to what we had this year—I saw and experienced the troubles at that time—and have been a continuous resident of this county since that time.

Q. Give any facts of your own knowledge which will bear directly upon the question of the relations between capital and labor, the miners and the mine owners here, with reference to any troubles that have existed?—A. When I came here there seemed to be trouble between the union and nonunion men.

On the 11th of July, 1892, there was a pitched battle in Canyon Creek between the union men on one side and the nonunion men on the other, and the result of that fight was that the nonunion men were driven out of Canyon Creek and 5 men were killed—3 union men and 2 nonunion men. I appeared at that time as a witness for the State in certain matters pertaining to the shooting of these men.

That is, there were certain murder trials growing out of these troubles, and I helped the deputy and appeared as a witness for the State in that behalf, to give testimony as to how the men died. Since the time I appeared as witness on that occasion I have been styled by the miners' union of the Cœur d'Alenes as a corporation doctor or "scab" doctor. I have been engaged in the practice of medicine continuously at Wardner since May, 1892, and have been physician and surgeon of the Bunker Hill and Sullivan Mining Company. I am not directly in the employ of the mine, but of the men who work in the mines. The manner in which I am paid is an agreement by which the men who work in the mine pay $1 per month for hospital fees, and that $1 per month is deducted out of each man's wages at the end of the month and paid to me by the company. I am directly connected with the company in no manner other than that; they hold out this sum for me and pay it to me; but I am in the employ of the men who work for the company.

Now, at that time, in 1892, the Bunker Hill and Sullivan Company was employing union and nonunion men. They employed anybody who could do the work for them and required of them. But there was constant friction between the two classes of people—the union men and nonunion men. They were constantly quarreling, and there were constant threats made against life and property. In 1894 there was a strike ordered by the union of the men working at the Bunker Hill and Sullivan, and as a result of that strike the entire working force of the mine walked out, and it was then found that the men working in the Bunker Hill mine were union men. That occurred in November, 1894. The men struck and the mine remained closed down until the following June, in 1895. At that time both lead and silver were very low, but the company made a proposition to the men to start up the mine again. Some of their men had remained around the town and were very anxious to go to work, and the Bunker Hill Company made a proposition that they go to work at a reduced scale of wages; that is, $2.50 per day for labor and $3 per day for skilled miners, and the men who were the most anxious and wanted to go to work agreed to go to work on the proposition. The company also promised as a part of this proposition that when 2½ ounces of silver and 100 pounds of lead should reach $6 in value, they would then restore the old wages of $3 for laborers and $3.50 for skilled miners.

They have continuously operated that mine since June, 1895, at the rate of wages under which they struck, of $2.50 and $3, until the 29th day of April of the present year. During all of this time there have been constant threats made by the union, and I know, of my positive knowledge, that there was intimidation by the miners' union against the Bunker Hill Company; and it was a common occurrence that threats were circulated there that the Bunker Hill and Sullivan Company's mill would be destroyed, and that they could not operate their mine at that rate of wages, as it was less than the union men received at Canyon Creek and Mullan. These threats were such a common thing and got so old that we grew used to them and paid no attention to them—became hardened to them. Nothing took place until April of this year. At Wardner there is also another mine being operated, called the Last Chance mine. I will say that the Bunker Hill and Sullivan Company employs 400 men when they work to their full capacity, and the Last Chance employs about 110, 115, or perhaps 120 men when operating at their full capacity. Now, in June, 1895, when the Bunker Hill Company started up, the Last Chance also started up under the same scale of wages that the Bunker Hill then paid, and the Last Chance Company employed mostly union men; that is, they didn't discriminate between union and nonunion men; but, as a matter of fact, I know that the men who worked in the Last Chance mine were union men. At that time the Bunker Hill Company began to operate that mine by nonunion men and excluded union men, so far as they knew. If they knew a man to be a union man they excluded him; they refused him employment, from the very fact that they could not harmonize, and it was simply a choice of either one or the other. They would not harmonize one with the other and they had to make their choice, and they chose to operate their mine with nonunion men. The Last Chance was operating with union men, and it has continued right along.

Now, in the early part of April of this year, there was considerable agitation among the unions against the town of Wardner; and notices were frequently posted around there by the unions calling upon the men at the Bunker Hill mine to come out and join the union. On Sunday, April 22, I believe, a large meeting of the Wardner miners' union was held, and committees were sent to the Bunker Hill mine demanding that they pay the union rate of wages and recognize the union. Then delegations commenced to wait upon the managers of the Bunker Hill property, which delegations appeared at the mines of the Bunker Hill Com-

pany and waited upon the managers at the office. These delegations held daily meetings at the mine during that part of April, from the 22d up to the 29th, the day of the destruction of the property. On the morning of April 26 I was awakened about half past 5 by an unusual noise in the streets of Wardner. I was elected coroner of this county in November of last year. I dressed and walked down on the street and I was near the Last Chance mill, which is near the town of Wardner, and a large body of men had collected there—probably 200 men—and I asked a merchant, who was just opening his store, what was going on, and he said that the union men had gathered there and were going to stop the nonunion men from going to work at the Bunker Hill and Sullivan mine. I stood there and waited a few minutes and then walked up to the crowd of men.

Just about the time I reached the upper edge of the crowd I saw about a half dozen men that I knew were miners' union men rush into the boarding house. I did not know what they were going to do, and I watched them come out presently with nonunion men. They had them by the collar and were kicking and otherwise abusing them and ordering them down the hill and telling them to go down the hill and out of the camp. A big Swede by the name of Matson had hold of a small man, who was working in the Bunker Hill and Sullivan, by the name of John Ahrens, who was rather a boy. He had him by the coat collar and was shoving him along and kicking him, striking him, and swearing at him, and telling him to go down the hill and out of the camp. Being an officer of the county and a sworn peace officer, I walked in front of these men and told him to stop such business; told him to stop the proceedings or I would have him arrested. He turned on me and told me to go down with the rest of them. He told me that they would send me out with the rest of them. He struck at me and pushed me, struck me in the back. He was a very large man, 6 feet or more, and a heavy man. I went down a little ways on the hillside and went in my hospital. I have a private hospital there.

During the time I was in the store there was a shot fired in the boarding house, presumably with the intention of frightening the nonunion men out of the house. That whole occurrence probably lasted two hours in the street that morning, and it might properly be called a regular riot in the streets of Wardner. The nonunion men didn't go to work at the Bunker Hill that morning. The company applied to the sheriff of the county and told him that the men would attempt to go to work that night and demanded the protection of the authorities of the county. The men did go to work that night and were not interfered with. Things remained quiet during the 27th and 28th of April. Everything seemed to be quiet and settled. On the morning of the 29th of April I got up about 8 o'clock.

I was told that the Last Chance mine was not working. The first news I learned when I was dressing was that the miners at the Last Chance were all out that day. A few minutes later I learned that the miners on Canyon Creek were not at work; that the mines on Canyon Creek were closed, and that the miners were coming down to Wardner. About 10 o'clock I learned that they were coming with arms and were masked. During the morning I had a conversation with Mr. Burbidge at the telephone. He told me that he had ordered all of his men out of the mine, telling them to forsake the property and take care of themselves. That is, he gave that order after he learned that the men from Canyon Creek were coming armed and masked and with powder and dynamite aboard the train. The nonunion men got out of the mine and went over the hill out of the way. The Bunker Hill and Sullivan mill was blown up by the men who came down on the train and 2 men were killed, 1 by the name of James Cheyne and a man by the name of John Smith. I was not at the immediate scene of the riot that day, but was in the town of Wardner about 3 o'clock in the afternoon and about half an hour after the explosion at the mill, which I could hear very distinctly in the town of Wardner. I was notified by telephone that 2 men were killed in this trouble and that my services were needed there as a physician. I appreciated the fact that these men who were doing this kind of work had no particular love for me, and I called on the deputy sheriff who was in Wardner then. He was not on the scene of the riot at all, but was about town, and I asked him to go down with me. I took some instruments and went down to the scene of trouble, and as I arrived near the mill the train was just pulling out of the town of Wardner back to Wallace, Gem, and Burke, with this crowd of men, to their homes.

I went down to the hotel at Kellogg Junction and there found James Cheyne, the man who had been shot through the lower part of the abdomen. When I arrived there he was being attended by Dr. Machette, a doctor there, who had already dressed his wound and informed me that it was only a flesh wound and not fatal, and that he would be all right in a few days; so I didn't made any

examination at all. I went back home that afternoon and in the evening about 8 o'clock I was called up by telephone by Paul Corcoran, from Burke, notifying me that there was a man in Burke killed that day. Paul Corcoran was the defendant in this case just tried here, and I asked him who it was, and he informed me that it was the secretary of the Burke Miners' Union, and that I was expected to come to Burke and hold an inquest over the body of this man John Smith. I asked him where Smith was killed, and he informed me that he had been killed at Wardner that day. I then informed him that the parties who had removed him from Wardner to Burke had done so without any authority, and that I expected to have the body brought back, for the purpose of holding the inquest, to the place where he had been killed; and told him that I should hold him responsible for the body until such time as I desired to hold the inquest. On the following day, the 30th of April, I was called in to see James Cheyne, the man who was wounded. I examined his wound and found it to be fatal, and advised that he be removed to Spokane for the purpose of operation, and went with him, and on the 1st day of May, in Spokane, in company with Dr. Thomas, operated on him; but on the following day, notwithstanding our efforts, he died. He was brought back to Wardner on the 3d day of May for inquest, and the body of John Smith was brought from Burke on that day for the purpose. I then proceeded, under the direction of the attorney-general of the State of Idaho, S. H. Hayes, also Chester H. Lindley, who was also acting for the State of Idaho, to hold an inquest over these bodies.

We commenced this inquest on the 4th of May, and the inquest was concluded and the jury's verdict arrived at on the 25th day of July—just a few days ago. In the matter of conducting this inquest I was instructed by the attorney-general of the State to get at the facts leading up to this crime, and in every way to make the investigation as far-reaching as possible. At this inquest 480 witnesses were examined. The evidence taken at the inquest amounts to 2,200 pages of typewritten manuscript, and the jury's verdict was arrived at and signed on the 25th day of this month. It was filed with the court at 10 o'clock this morning. At the suggestion and request of the acting county attorney at the present time, J. H. Forney, the judge ordered the testimony taken at this inquest to be sealed and not opened except by order of the court. The reason Mr. Forney asked that this testimony be sealed is that in the examination of such a great number of witnesses we have identified a great many people connected with this killing of Cheyne and Smith, some of whom are in custody, and a great many of whom are not in custody and whom we want; and for the reason that it was asked that the indictments of the grand jury be sealed, he asked that the evidence taken before this inquest be sealed. If it was published to the world who the criminals are it would lessen the chances of getting those who are not in custody.

Q. (By Mr. RATCHFORD.) Can you furnish this commission with a copy of the report and verdict of the coroner's jury?—A. I want to offer for your consideration a copy of the findings of the coroner's jury. The original is on file in the office of the county auditor and is signed and sealed by order of the court.

(The document referred to follows.)

STATE OF IDAHO, *County of Shoshone, ss:*

In the matter of the inquisition upon the bodies of John Schmidt (sometimes called John Smith) and James Cheyne, deceased. Before Hugh France, coroner.

We, the undersigned, the jurors summoned to appear before Hugh France, the coroner of the county of Shoshone, State of Idaho, at Wardner, Idaho, in said county and State, on the 3d day of May, 1899, to inquire into the cause of the deaths of John Schmidt (sometimes called John Smith) and James Cheyne, having been duly sworn according to law, and having made such inquisition, after inspecting the respective bodies and hearing the testimony adduced, upon our oaths each and all do say:

First. That deceased, John Schmidt (who in life was sometimes called John Smith), was a native of Germany, aged about 28 years. That he came to his death on April 29, 1899, in this county. That the cause of his death was a gunshot wound inflicted by the parties and under the circumstances hereinafter particularly set forth, with the intent then and there to kill and murder the said John Schmidt.

Second. That the deceased, James Cheyne, was a native of Scotland, aged about 27 years. That he died at Spokane, in the State of Washington, on the 2d day of May, 1899. That the cause of his death was a gunshot wound inflicted in this county on April 29, 1899, by the parties and under the circumstances herein-

after particularly set forth, with the intent then and there to kill and murder the said James Cheyne.

In the conduct of this inquisition we have examined 473 witnesses and have been in session 73 days. Owing to the circumstances and conditions under which the murders were committed, the investigation necessarily took a wide range.

We find the following facts to have been established by the evidence adduced before us during the progress of the inquisition, upon which facts we base our verdict:

I.

At the time of the commission of said crimes there existed in Shoshone County, Idaho, 4 organizations known as and called miners' unions, viz:

(1) Wardner Miners' Union, at Wardner, where are situated the Bunker Hill and Sullivan, Last Chance, and Empire State—Idaho mines.

(2) Burke Miners' Union, at Burke, in the vicinity of which are situated the Mammoth, Standard, Tiger—Poorman and Hecla mines.

(3) Gem Miners' Union, at Gem, where are situated the Helena and Frisco, Black Bear, and Gem mines.

The mines under paragraphs (2) and (3) are usually known as Canyon Creek mines.

(4) Mullan Miners' Union, at Mullan, where are situated the Morning and the Hunter mines.

These unions are at present subordinate organizations, owing allegiance to and receiving charters from the Western Federation of Miners, a putative parent organization recently in session at Salt Lake City.

These charters were issued in 1893, subsequent to the Cœur d'Alene riots of 1892, at which time the Frisco mill was destroyed by dynamiters. Prior to the issuance of these charters the miners' unions existed at all the above-named places, bearing the names, respectively, of Wardner, Burke, Gem, and Mullan miners' unions. The Western Federation issued charters to these unions as they then existed. There was no change in the personnel of the different bodies.

II.

All the mines tributary to the Burke, Gem, and Mullan unions are what are known as union mines, by which it is understood that none but men belonging to the union are permitted to work. The union rate of wages in these mines is $3.50 per day for every man working underground. Due discrimination is made between a "mucker" or shoveler and a skilled miner, with this exception, that at all times "machine men"—that is, men operating power drills—have been and now are paid, not only in the mines above named but at the Wardner mines as well, a uniform rate of $3.50 per diem. The Burke, Gem, and Mullan mines are wet mines, operated through shafts, entailing upon each employee underground an extra expense of $8 to $10 per month for rubber clothing. What are known as "company stores" and company boarding houses are maintained in the towns to which these mines are tributary. The patronage of these stores and boarding houses by the employees at the mines is understood to be compulsory.

III.

At Wardner the Bunker Hill and Sullivan mines, operated by the Bunker Hill and Sullivan Mining and Concentrating Company, is a nonunion mine. The Last Chance or Empire State-Idaho, although not openly avowing its position, is classed as a union mine, for the reason that out of the total working force of 140 men but 8 of these were nonunion men at the time of the occurrences hereinafter referred to. As to these 8 it was explained to us that they were new men, and as yet had not had the opportunity to join the union.

The Wardner mines are dry mines, operated through tunnels, which serve as drainage ways. The miners do not require or use rubber clothing. No company stores are maintained, and boarding at the company houses is optional. The price of board in Wardner is $1 per week less than at Burke, Gem, and Mullan.

Subsequent to the riots of 1892 the Wardner mines established a scale of wages—$3.50 per day to skilled miners and $3.00 per day to underground laborers. In November, 1894, the unions made a demand upon the Bunker Hill and Sullivan Co. that the scale should be raised to $3.50 per day for all classes of underground labor and the unqualified recognition of the union. The demand was refused, a strike was ordered by the miners' union of Wardner, and the mines were closed

and remained closed until June, 1895. Operations were resumed at that time at the earnest appeal of old employees of the company and the residents of Wardner. Owing to the depressed state of the lead market, it was impossible for the Wardner mining companies to operate at a profit if the old scale of wages was to be paid. An arrangement was made with the employees by which the scale should be reduced to $3.00 per day for hand miners, $3.50 per day for machine miners, and $2.50 per day for ordinary laborers, such scale to remain in force until the prices of lead and silver should advance to such figures that 100 lbs. of lead and 2½ ounces of silver should together be worth $6.00. When such event happened the scale in force prior to the strike in 1894, of $3.30 and $3.00, was to be restored. Up to the present time such event has not happened.

Up to the commencement of the recent difficulties the scale of 1895 has been paid to the miners at Wardner. At one time the Bunker Hill and Sullivan did not discriminate between union and nonunion miners; but it became apparent that the two classes of men could not work together. The Wardner union, not satisfied with the policy of nondiscrimination, insisted upon a discrimination against nonunion men. To accede to this demand was to place the faithful nonunion employees and the business men of Wardner at the mercy of the union, which meant ostracism, exile, and, as shown in many instances, personal violence.

The Bunker Hill and Sullivan has operated continuously since June, 1895, with a force of 370 miners and 9 laborers, and 90 others engaged in various capacities in and around the mine and works. Of these by far the greater majority were nonunion men. In the early part of April, 1899, the presence of agitators at Wardner and the activity of the Wardner union warned the Bunker Hill and Sullivan Company that an attempt was to be made to unionize the mine by proselyting the nonunion men or secretly securing the introduction of union men into the Bunker Hill mines. When they had succeeded in planting sufficient union men into the mine to enable the unions to call and effectively enforce a strike such action was to be taken, and the Bunker Hill and Sullivan Company was to be coerced into acceding to the renewed demands of the unions.

Acting upon this warning, the Bunker Hill and Sullivan Company made a rigorous investigation into the status of its employees, and, discovering a number of union men on its rolls, summarily dismissed them and replaced them with nonunion men.

This precipitated the trouble which culminated in the murders of Cheyne and Schmidt, the burning of the office and boarding house, and the destruction by dynamite of the concentrating works of the Bunker Hill and Sullivan Company, details of which are herein set forth.

IV.

On Sunday morning, April 23rd, 1899, a meeting of the Wardner Miners' Union was held in the hall of the union at Wardner, at which a resolution was passed to the effect that committees be appointed to wait upon the managers of the Bunker Hill and Last Chance (or Empire-State-Idaho) mines and demand a wage scale of $3.50 all round and recognition of the union.

The demand was communicated to Assistant Manager Burbidge, of the Bunker Hill and Sullivan, who stated to the committee that he would not recognize it as coming from any union; that he had no authority to act in the premises; that he would communicate the proposal to the company and report results. A similar demand was made of the Last Chance superintendent, and an answer returned that the company would recognize the union, but would not pay the wages demanded.

V.

A second meeting of the Wardner Miners' Union was held on that day, at which meeting the committee reported, and without waiting for any formal reply from the management of the two companies a strike was declared at both mines and the entire body of the union was ordered to march to the Bunker Hill mine to show their strength and to solicit the nonunion miners to join the union. On the afternoon of that day such demonstration was made, led by Ed. Boyle, president of the union, who acted as spokesman, addressed the Bunker Hill miners, announced that a strike had been declared, and called upon the men to come down to a meeting to be held that evening and join the union.

Albert Burch, superintendent of the Bunker Hill and Sullivan mine, then addressed the men, announcing that the management had authorized a restoration of the scale of wages of 1894—$3.50 and $3; that all those wishing to join the union might do so, but on doing so should consider themselves discharged from the employ of the Bunker Hill and Sullivan.

On the following day, and again on Wednesday, April 26, the Wardner Miners' Union marched in force, some of them armed, and reiterated their demands that the nonunion men should join the union. Force and intimidation and threats were used. A pistol was drawn, and the nonunion men were ordered to go down the hill and join the union or take the consequences.

Through these displays of force, threats, and intimidation a number of the Bunker Hill force left the employ of that company and joined the union, leaving the company not seriously crippled.

Subsequently a number of these recanted and returned to the Bunker Hill. Accessions were being daily made to the Bunker Hill force and the strike had effectually failed. In the meantime some satisfactory arrangement had been made between the miners' union and the Last Chance (or Empire State-Idaho) mine, and as to that mine the strike was declared off. Work was then resumed with the usual force and continued to Saturday morning, April 29th, 1899, when all the miners at the Last Chance (or Empire State) mine were called out to participate in the heinous crimes of that day.

VI.

On Monday, April 24th, a meeting of the Wardner union was held, at which President Boyle announced in open meeting that if the Wardner union needed any assistance in the strike then pending they could have all the assistance they needed from the miners up Canyon Creek and Mullan, meaning the Burke, Gem, and Mullan unions. This announcement was greeted with cheers. The manner in which the assistance was rendered and the movements of all of said unions on said 29th day of April, 1899, are hereinafter specifically detailed and set forth.

VII.

THE MOVEMENTS OF THE BURKE UNION.

Prior to April 29th a resolution had been passed by the union to the effect that it would as a union render to the Wardner union any assistance it might require in the pending strike.

On the morning of April 29th orders were issued that the miners should not work that day, but that all members of the union should proceed in a body to Wardner, taking the Northern Pacific train running between Burke and Wallace, leaving Burke at 10 a. m. (N. P. time).

Pursuant to such orders, all the mines and mills shut down; members of the union gathered at the union hall at Burke and proceeded to and boarded the train.

The train stopped at several way stations before reaching Wallace, at which miners from other mines tributary to the Burke and Gem unions, armed and masked, boarded the train. At Gem the train was backed up to the powder house of the Helena and Frisco mine, the powder house was broken open, and 80 boxes of dynamite, each containing 50 pounds, were loaded into the cars. The train then proceeded to Wallace, where it arrived about 12 o'clock noon.

MOVEMENTS OF THE GEM UNION.

Upon the night of the 28th of April, 1899, masked men called at the house of the president of the Gem union and demanded that he call a meeting of that union on the morning of April 29th. At said meeting of the union on the morning of April 29th, the hall being darkened, a large number of guns were produced from the rostrum of the union hall, masks were put on by the members, and they marched out in a body and boarded the train for Wardner, where they arrived with the rest of the rioters.

MOVEMENTS OF THE MULLAN UNION.

A meeting of the Mullan union was held early in the morning of April 29th, 1899, at which the roll was called and a resolution adopted to immediately proceed to Wardner to give its "moral support" to the Wardner union. A proposal was made to mask, but an objection being made it was decided not to mask.

The union then marched on foot to Wallace, a distance of seven miles. When within two miles of Wallace a halt was made, and from a field near by a large number of rifles, which had been cached there, were taken by members of the union. The march was then resumed, and on reaching Wallace the train bearing the Burke and Gem unions was boarded by the Mullan men.

MOVEMENTS OF WARDNER UNION.

Orders were issued on the night of April 28th that there would be no work at the Last Chance mine on the following day and that all miners should in the morning take their "digging clothes" and repair to the railroad track east of the Kellogg station, and there board the train, which they were notified would come in about noon bearing the Burke, Gem, and Mullan unions.

This order was obeyed with military precision, many of them arming themselves with rifles and weapons of different kinds. On arriving at the designated point the Wardner men disguised themselves in various ways, putting on their "digging clothes," many using masks and having firearms. On the arrival of the train from Wallace, as hereinafter detailed, the men of the Wardner union boarded the train.

MOVEMENTS OF THE NORTHERN PACIFIC TRAIN FROM WALLACE TO WARDNER.

The Northern Pacific has no track running into Wardner. In order to run the Burke train into the latter place it was necessary to run it over a foreign track; that is, the track of the Oregon Railway and Navigation Company. The mob, actively aided and abetted by George Olmsted, the conductor, endeavored to obtain permission to run over the O. R. & N. track. This being refused, the engineer, Hutton, another willing tool of the rioters, ran the train over the foreign track. Just before reaching Wardner the train stopped to take on the men from the Wardner union. The number of men brought to the station on this train, including the Wardner contingent, was not less than 1,000, a greater proportion of whom were armed and masked.

VIII.

Shortly after leaving the train orders were given to form. The first order was "Wardner to the front," followed in quick succession by "Burke" and "Mullan."

A large force of armed men marched two by two, going up the road towards the town of Wardner, then turning to the right passed down the road towards the Bunker Hill mill. An advance guard of pickets were sent ahead to clear the roads and stop persons attempting to pass. Another scouting party of 10 or a dozen were sent around the foothills south of the Bunker Hill mill to reconnoitre from an elevated position commanding a view of the mill and its surroundings. In this party was John Smith, or Schmidt, the deceased, a member of the Burke union

The advance guard of pickets arrested and held as prisoners several employees of the Bunker Hill mill, among whom were R. R. Rogers and James Cheyne.

The main body of the rioters then marched to the office of the Bunker Hill and Sullivan Company, about 70 yards from the mill, and about opposite the scouting party, who were in the bushes on the north slope of the hill.

Evidently the larger party in front of the mill office mistook the scouting party for Bunker Hill and Sullivan employees. They fired numerous volleys at the hill, and one of the shots struck and killed Smith, or Schmidt. His body was taken by his associates and carried to the train and subsequently returned to Burke, where it lay in state at the hall of the Burke union until it was removed by order of the coroner and brought to Wardner for inquest purposes.

After this episode powder was called for. A detachment of masked men took the dynamite from the train and carried it to the mill and powder house, where it was placed and subsequently exploded. The office was gutted, vault and safes blown open, and the structure, with its contents, burned to the ground. The boarding house was similarly dealt with.

Just prior to the explosion at the mill the advance guard, which held Cheyne and Rogers prisoners, retreated towards Milo Gulch. After the explosion the prisoners were told to run. As they did so, shot after shot was fired at them by the armed and masked men. As they retreated one of these shots hit Cheyne, and of this wound soinflicted he subsequently died. One of these shots grazed the lips of R. R. Rogers.

Thereafter, and at about 3 p. m., the rioters boarded the train and returned to Wallace.

IX.

During the week preceding the killing of Cheyne and Schmidt and the blowing up of the mill it became evident to the managers of the Bunker Hill and Sullivan mine that serious trouble was intended. Thereupon an appeal was made by

its assistant manager to the three county commissioners, Boyle, Stimson, and Simmons, calling their attention to the critical condition of affairs at Wardner, and urging upon them the necessity for taking some precautionary measures to prevent the destruction of property and possible loss of life. Neither one of said commissioners paid the slightest attention to such warning or request. No meeting was ever called to consider the situation, no peace officer was ever waited upon or instructed to take measures to prevent the commission of the crime, but each and every one of said commissioners stood idly by and passively permitted the complaint of the Bunker Hill and Sullivan Company to go unheeded.

X.

The sheriff of Shoshone County, James D. Young, was appealed to in like manner, but throughout all the period of time up to the final commission of the crimes he wholly neglected and failed to perform his duty looking to the preservation of the peace. On the contrary, he came down on the train from Wallace with the mob of armed and masked men; associated with them throughout the entire day, held long and earnest conversations with individual masked leaders during the carrying into effect of the conspiracy to destroy the property of the Bunker Hill Company; refused to appoint proper deputies who were not members or sympathizers with the miners' unions, but aided and abetted the accomplishment of the conspiracy. Although, at Wallace and again at Wardner on the arrival of the train, he was within a few feet of a public telephone and telegraph, he gave no warning to either the Banker Hill and Sullivan Company's employees or the citizens of Wardner of the coming avalanche of rioters. After the explosion took place he ordered the appointment of 10 special deputies to guard the Last Chance mine, a union mine, all of whose operatives, with few exceptions, were active participants in the crimes of the day.

Furthermore, he willfully deceived the governor of the State of Idaho as to the true condition of affairs at Wardner in asserting that there was no trouble and that he had the situation well in hand.

XI.

The moral cowardice and truculent subserviency of George Olmstead, conductor of the Northern Pacific Railroad train, and of L. W. Hutton, its engineer, enabled the armed and masked forces to accomplish their object without difficulty. Neither of these men, although having a right to use the telegraph wires for the purpose of communicating information, ever warned anyone at Wardner that a wild train was to be run over a foreign track, bearing a thousand armed and masked men bent upon the commission of unlawful acts. Had either of said men shown the least courage or disposition to thwart the schemes of the mob, they had ample opportunity to do so by either causing the train to be derailed or interposing obstacles familiar to railroad operators.

CONCLUSIONS.

From the foregoing facts the following conclusions are irresistible:

First. The killing of Schmidt and Cheyne was accomplished by an organized force, embracing the members of the four miners' unions hereinbefore named acting as conspirators, engaged in the performance of unlawful acts, and each and every one of the members of said unions participating in, aiding or abetting, any of the unlawful acts of the 29th of April are legally and morally responsible for the unlawful killing of said Cheyne and Schmidt.

It is beyond doubt true that the details of these crimes were skillfully planned and executed under and by authority of the central executive committee, or union, composed of delegates from each of the participating unions, and under the sanction of the Western Federation of Miners. Edward Boyce, then, as now, president of said federation of miners, was in the town of Wardner during the week preceding the murders, and was actively engaged in counseling and advising the local officers of the Wardner Miners' Union.

The crimes of April 29, 1899, were the proximate and logical result of the doctrine preached by the said Boyce at the meeting of the Western Federation of Miners, held at Salt Lake City in May, 1897, as follows:

"The right of the people to keep and bear arms shall not be infringed. This you should comply with immediately. Every union should have a rifle club. I strongly advise you to devise ways and means to provide every member with the latest improved rifle which can be obtained at the factory at a nominal price. I

entreat you to take action on this important question, so that in two years we can hear the inspiring music of the martial tread of 25,000 armed men in the ranks of labor."

The reign of terror which has existed in the Cœur d'Alenes for a great many years is due exclusively to the preaching and practice of such doctrines. So far as the immediate cause of this inquest—the murders of Schmidt and Cheyne—is concerned, we find that the said miners' unions, although seeming to have been organized for the laudable purpose of defending the rights of labor, have acted as unions in the violation of the law of their country, and in perpetrating crime against the laws of the State.

We charge the murders of said Schmidt and Cheyne to have been perpetrated by the said miners' unions and their respective members who were present and participated in any of the deeds of that day. Said miners' unions and their members aforesaid were aided, abetted, and assisted by the said Sheriff Young and Moses S. Simmons, William Boyle, and W. R. Stimson, county commissioners.

Appended hereto, marked "Exhibit A," is a list of all the employees of the several mines within Shoshone County who were absent from their post of duty on the 29th of April last, and who, with few exceptions, so far as the evidence taken before us shows, formed a part and parcel of the riotous, masked, and armed mob, and we charge the said parties participating in said riot with the crime of murder.

All of which are duly certified by this inquisition, in writing, by us signed this twenty-fifth day of July, 1899.

C. S. PARKER.
L. W. GAY.
THOMAS WRIGHT.
JOHN T. PETTITT.
F. L. ROWLEY.
HENRY DROUGHT.
GEORGE F. BITNER.
L. T. WILSON.
J. A. R. CAMPBELL.
H. P. KNIGHT.
T. A. SMITH.
C. S. PERRIN.

The WITNESS. Now, I have attempted to give you what I know, according to my record as county coroner, in the matter. About May 4 proceedings were commenced against Sheriff James D. Young, by direction of the attorney-general, and by virtue of my office as coroner I succeeded to the office of sheriff of this county, and continued to discharge the duties of the office of sheriff until the 18th of the present month, when Mr. Sutherland was appointed by the new board of county commissioners.

Q. (By Mr. MANTLE.) What became of the sheriff?—A. He was impeached, as were also the county commissioners, by Judge Stewart.

Q. What was done?—A. Impeachment proceedings were commenced about May 4; they were impeached by Judge Stewart.

Q. And were removed?—A. Yes.

Q. By the court?—A. Yes; the commissioners and sheriff were removed by the court. Immediately a new board of county commissioners was appointed by the governor, and among their first duties was to appoint a permanent sheriff. Angus Sutherland was appointed.

Q. (By Mr. KENNEDY.) Did the judge follow the instructions of the governor in removing any of these officers?—A. No. The trial was before the court, and the court removed the officers under due process of law. The proceedings are on file in the court-house.

Q. (By Mr. MANTLE.) Were the impeachment proceedings based upon the statute?—A. Yes.

Q. (By Mr. RATCHFORD.) Between the time charges were preferred and the removal made by the court were their places filled by others?—A. No; during that time the county did not have a board of county commissioners.

Q. Did it have a sheriff?—A. I was the acting sheriff during that time. Immediately after the destruction of this mill and the killing of Smythe and Cheyne martial law was declared. I think martial law was declared on the 1st day of May. On that day the governor's agent, Bartlett Sinclair, who was the auditor for the State, came, and he seemed to think it necessary that martial law should be declared, and so advised the governor, and the governor declared martial law, and troops were brought into the district. At that time the attorney-general of

the State had been here, and other business called him to Boise, and he told me to designate Chester H. Lindley to act for the State in all matters in a legal way. About May 5 General Merriam arrived on the scene, or perhaps a few days before that; and the question of whether the miners' unions were responsible for this trouble was the very first thing considered by them. There was a meeting of Judge Lindley, General Merriam, Bartlett Sinclair, and myself, and at that meeting this permit system was originated. The details of that were arranged and put into effect by Bartlett Sinclair, General Merriam, Chester H. Lindley, and myself. We all seemed to see the necessity of that, or for some such provision. If you wish to see the application for permit, and the permit itself, I will provide you with one. [For copy of applications see testimony of James R. Sovereign, p. 391. Copy of permit follows:]

PERMIT TO SEEK EMPLOYMENT.

No. 2061. ——— ——, 1899.

This is to certify that ——— ———, a ——— by occupation, is qualified under the proclamation issued by order of the governor of Idaho May 8, 1899, to seek employment in any of the mines in Shoshone County, and has permission by virtue hereof to do so. This card is to be deposited with the manager or superintendent of the mine where the person above named is employed, and must be held for purpose of periodical inspection, pursuant to the terms of the aforesaid proclamation.

Witness my hand this —— day of ———, 1899.

Dr. HUGH FRANCE.
By ——— ———, *Deputy.*

Q. (By Mr. MANTLE.) The copy of the verdict of the coroner's jury you know to be absolutely correct?—A. I have furnished you with a copy of the original. I will say that in the selection of this coroner's jury I have been charged by the miners' unions with selecting men who were prejudiced against the miners' unions. I selected 12 men to serve as jurors, who were in active and continuous session for 40 days hearing the testimony, and that jury was composed of the principal business men of the town of Wardner. There were 2 or 3 miners on the jury, and the rest were taken from the business people of the town of Wardner and vicinity, and men whom I consider to be fair and impartial in their report.

Q. (By Mr. RATCHFORD.) In the selection of this jury were you aided or advised by any outside parties?—A. No.

Q. You had no advice?—A. No; not advised in the selection of one man. I made up the list as I was on the train coming from Spokane to Wardner, after being there with Cheyne; and there were no suggestions, no advice, or anything of the kind offered to me by anyone.

There is another matter which I wish to explain about the coroner's examination and the evidence taken before the coroner's jury, which has been much talked about in this case of the State against Corcoran. The men were arrested, the different members of these miners' unions, and brought to Wardner by the military at the time Merriam came here, for safe-keeping, and arrangements were made for their convenience and comfort as quickly and as well as the State could do so. During the time this coroner's inquest was in session I had reason to believe that there were men from Canyon Creek and Mullan and the Wardner Miners' Union who ought to and did know something about the killing of Smythe and Cheyne and the conditions leading up to it. These men were confined in the military prison at Wardner at that time. It has been much talked of by the defense, that these men were brought up in court and compelled to testify; but they have yet failed to find one man who says that any influence or pressure was brought to bear upon him in any manner compelling him to give any particular line of testimony. They were brought there under guard, of course, because they were prisoners. The guard remained in the anteroom while the prisoner was brought in and sworn, the same as any witness, and in a great many cases, if not in all cases, they were instructed by the attorney representing the State that they need not give evidence that would incriminate themselves. In a great many cases these witnesses would go on and give their narrative and describe the happenings of that day without any coercion or implied coercion on the part of the State or anyone concerned in that inquest.

Q. (By Mr. MANTLE.) You can say that no coercion was practiced upon any of them?—A. Positively; no coercion was practiced upon any of them.

Q. By threats of imprisonment or punishment, or in any other way?—A. Yes.

Q. Were any of them led to believe that things would go easier with them if

they would testify favorably?—A. They may have considered that from conversations that they had with someone, but I never heard any of them state that they had that impression from any conversation with me.

Q. Was there anything said to them in the jury room that would lead to that belief?—A. Nothing.

Q. No promises of immunity made in any way?—A. No.

Q. Did you ever make any promises of immunity, directly or indirectly, to the prisoners in regard to testimony?—A. No.

Q. Do you know of anyone who did?—A. I don't know. It has been charged in this Corcoran case that Mr. Burch, who was the superintendent of the Bunker Hill mine, did threaten one that unless he told what he knew he would be hung. I think that was brought out in the Corcoran trial, and the man to whom the threat was supposed to have been made was brought there. It was asserted by a prisoner, but denied by Mr. Burch.

Q. Did any other prisoner assert that?—A. No, not so far as I know. I mention that, because in the Corcoran trial the defense has repeatedly charged that the State secured this evidence under threats, and as a condition of martial law; that these men have testified to things that were not true, in the belief that they would be released or given immunity from punishment by giving such testimony. I am satisfied and willing that you should have a copy of this testimony, if you desire it, in full. It covers 2,200 pages, and has been the basis for the prosecution, and will be the basis of the prosecution, in all probability, in all of these trials.

Q. You affirm that no coercion in any manner or form, directly or indirectly, was used to get testimony from these prisoners in favor of the State?—A. I do, positively.

Q. You spoke of a Paul Corcoran having telephoned to you from Burke?—A. Yes.

Q. Is that the same man who has just been convicted of murder in the second degree?—A. Yes.

Q. For the killing of James Cheyne?—A. Yes. I told you about this man Smythe having been shot and killed at Wardner at that time, the 29th of April. He was a union man and belonged to the town of Burke. He was taken back to the town of Burke by his associates.

Q. In whose employ had he been?—A. In the employ of the Tiger-Poorman mine, of which Mr. Culbertson is manager.

Q. Did he go to Wardner with the rioters on that day?—A. No; Mr. Culbertson went East on that day.

Q. I was speaking of Smythe.—A. Yes; he was there. He went down from Burke and was at Wardner and participated in the riot when he was accidently or otherwise shot.

Q. (By Mr. RATCHFORD.) Was he brought home dying or dead?—A. He died a few minutes after being shot.

Q. And was brought back to Burke?—A. Yes. It was Corcoran who notified me. He notified me that he was the secretary of the Burke union and was supposed to make arrangements for the care of this man—burial, etc.

Q. (By Mr. MANTLE.) What caused the strike at the Bunker Hill and Sullivan in 1894?—A. Demand for higher wages and the complete recognition of the union.

Q. The Bunker Hill was not then paying union wages?—A. It was not.

Q. Have they since been paying union wages?—A. No.

Q. Have they ever paid union wages?—A. Not since I have been in the district. Union wages, as I understand, means $3.50 all around; $3.50 for miners and laborers. They were paying $3 for laborers and $3.50 for miners at the time of the destruction of their mill.

Q. Who constituted the membership of the Wardner union?—A. The union miners at the Last Chance mine. During the month of April of this year, when the agitation was getting pretty strong, the Bunker Hill then had about 100 union men, and when the union called out the men and said the nonunion men should not work, about 100 men on the Bunker Hill quit. Some of them were union men, and some went out in sympathy.

Q. The strike of 1894 then was caused by the refusal of the Bunker Hill and Sullivan Company to meet the demands of the miners' union?—A. That is, the two demands.

Q. Did any men walk out before the destruction of the mill, and before the strike was ordered?—A. Yes; from the 22d to the 26th the Bunker Hill and Sullivan lost about 100 men from quitting to join the unions. Some had belonged to the union and others joined it at the time the agitation was getting so strong.

Q. Was the Last Chance mine recognized by the miners' union at this time?—A.

Yes. The investigation before the coroner's jury brought out the fact that all men working at the Last Chance mine at the time of the destruction of the Bunker Hill mill were union men, with the exception of 8.

Q. They were paying the same rate of wages?—A. Yes; same as the Bunker Hill; $3 for laborers and $3.50 for miners.

Q. They were recognized because they employed miners' union men?—A. Yes.

Q. How many men were there in that mob?—A. It was variously estimated at from 1,000 to 1,400 men. A conservative estimate places it at about 1,200.

Q. That is, including those who joined them at Wardner?—A. Yes.

Q. It has been alleged that great cruelty was practiced upon the prisoners in the bull pen at Wardner; do you know anything about that?—A. I know something as to the character of the treatment of the prisoners; yes.

Q. Please state to the commission what you know in that respect.—A. At the time the first arrests were made the State, of course, had no place provided for such an emergency as this. The prisoners were taken down to Wardner in box cars and put in a large barn that was there containing two floors—a loft and ground floor. I was in the place several times and among the prisoners. As a rule they had hay and straw to lie on, and a great many of them brought their blankets. Some were without blankets. It was early in May and quite cold weather. The State immediately proceeded to provide for the men, and did so as rapidly as it was possible. I was only an agent acting for the State in this matter, but was authorized to make all necessary purchases for the comfort of these men, and to provide blankets and make such other necessary arrangements as I saw fit. Mr. Sinclair was also on the ground, and we immediately proceeded to put up the temporary headquarters they have there now, what is known as and called the bull pen. It is composed of 4 buildings made in the form of a square, each one 150 feet long, with a row of bunks on each side and a passageway down the middle, and a number of rows of bunks, making ample accommodation for probably 450 or 500 men. They were fed by a man by the name of Tony A. Tubbs, who is the steward there, and who has a contract with the State for the feeding of these men. I have a number of times examined into the condition of their fare there and find the place to be well kept and the food nutritious and healthy and sufficient. I don't believe any prisoners now are complaining. Of course, before the State could make arrangements, there was necessarily some suffering; but I assure you if was relieved by the State in every particular at the earliest possible moment. As to soldiers practicing cruelties on those prisoners, I know they never did.

Q. Were you in a position to know?—A. I was among these men a great deal of the time, during the time the inquisition was not in session and at other times. I was around the prisoners a great deal, as I had duties there, such as releasing men who had been arrested but who were found not to be implicated in this trouble or conspiracy. As fast as we could find these people and satisfy ourselves that they were not implicated, they were released by request of the civil authority upon the military authority. The request was made by Mr. Sinclair and myself to the military authority, and they were at once discharged.

Q. Were any complaints ever made to you?—A. No complaints were made to me.

Q. Personally, about their treatment?—A. No; nor to Mr Sinclair, that I ever heard of.

Q. No complaints were ever made to you of outrages or insults offered to and perpetrated upon the men in prison by the soldiers?—A. No.

Q. Have you heard of these cases?—A. Yes; and I have inquired into them and I have yet to find a foundation for any of these reports.

Q. Do you know of any prisoner who was sick or dying being refused the opportunity of having a priest or minister?—A. I know such a thing never happened.

Q. Do you know of any case where prisoners were ill and medical aid was refused?—A. Such a condition has never been present.

Q. Do you speak positively of this?—A. Yes; I speak positively.

Q. Do you have personal knowledge of it?—A. Yes. I wish to say here that about the 4th day of May, about the time the first arrests were made, Dr. C. S. Stratton came to Wardner and took charge of my practice, and he was told to look after the health of these prisoners by both Mr. Sinclair and myself, and to spend such time with them as was necessary to look after their health and their sanitary condition; and he did spend such time as was necessary. He generally made his morning call from 9 or 10 o'clock until 1 o'clock, and in the afternoon he was around there about 5 or 6 or 7 o'clock to prescribe medicine, which was delivered at once to such prisoners as needed medical attention. Mike Devine was sick with pneumonia there. I was there the time he was taken sick and told Dr. Stratton. He had pneumonia, and pneumonia is a critical illness in this

country; in fact, probably over 50 per cent of the mortality is due to pneumonia. Dr. Stratton was there and attended him, and nothing was said at the time about his having a priest; but some time after that this report came up about his having been refused a priest.

The newspapers got up the report, I think. At any rate, the report was that he had been refused the services of a priest at the time of his death, and immediately Mr. Sinclair and myself and Captain Leavell, who was in charge of the prison in a military capacity, commenced to investigate as to what the facts were in the case, and learned that a priest had never been denied; that no priest had ever called to see him, and that Devine had never requested the services of a priest. Devine was only sick 5 or 6 days, when he died. There was another man who had pneumonia who was taken from the bull pen and put in the private hospital which I operate in the town of Wardner. He was quite ill. Dr. Stratton, who took charge of the prisoners, also attended this man in my hospital. His instructions to the nurse were not to allow any visitors to see this man. He didn't see any priest or anyone else, the general instructions being not to allow any visitors to see this man. While he was there the priest called to see this man at my private institution, and the nurse refused him admission, stating his instructions from the doctor were not to allow anyone to see this man. He said he was the priest, and the nurse told him that he could not see the man without the doctor's permission, and as the priest was going away and had gotten probably 25 yards away from the hospital I happened to be going over there, and he told me about it, and I told him to come back and see him, and he did. He went back and saw the man, who afterwards got well, and is in the country now. They claimed he had been refused admission, but it was through a misunderstanding, and it was immediately corrected as soon as I found out what he wanted.

Q. How many men were in the bull pen at any one time?—A. I could not give the correct number, but between 600 and 700.

Q. How many are there now?—A. About 190 or 195.

Q. Have you any prejudice against labor unions?—A. No, positively; not as labor unions.

Q. Do you believe in them?—A. When conducted in a lawful manner, yes.

Q. (By Mr. RATCHFORD.) Do you know of any case in which prisoners have been bayoneted by soldiers?—A. I never heard of anyone who had been bayoneted, and never saw any bayonet wounds on any prisoner. I have heard these things talked about on the outside, but have yet to find the man who knew of such a thing.

Q. If such was the case, you would be in a position to know it?—A. I saw these men here released from that prison at my request. I am acting for the State in this matter at the present time, since Mr. Sinclair is not here.

Q. Is there any truth in the claim that men have been thrown into that bull pen without a chance to change their working clothes, which were wet, and because of their wearing of such clothes contracted diseases and died?—A. Not that I know of. There have been 2 deaths in the prison hospital; that is, 2 deaths among the prisoners. There have really been 3 deaths, 1 who it was generally agreed wanted to commit suicide, and who jumped in the river and was drowned. Otherwise there were but 2 deaths—1 from pneumonia and 1 from typhoid fever.

Q. Have you anything to say as to the origin of the diseases resulting in the death of these men?—A. No, I have not. Pneumonia is liable to be contracted at any time, and in my 6 years of practice here I have found it under almost all conditions. It is not confined to miners any more than it is to business men or other classes of people. Typhoid fever, of which 1 man died, is also liable to be contracted by anyone in this country. It is not the genuine typhoid fever, such as they have back in the Eastern States, in Ohio, Pennsylvania, etc., such as I have been used to seeing back there. We have had but 1 fatal case of it in this prison since the prisoners have been confined there.

Q. Do you believe that the sanitary condition of that place known as the bull pen produced any of the diseases that resulted in the death of these men?—A. No.

Q. One of the prisoners, you say, jumped in the river and was drowned?—A. Yes. I will tell you about this case. A man by the name of Mike Johnson was adjudged insane by the probate judge of this county and 2 physicians. This happened about the 8th or 9th of June. On the following day, after he was adjuged insane, it was the duty of the sheriff to take this man into safe-keeping, and have him delivered over to the institution of the State provided for insane persons. I took charge of the man and took him from the bull pen or from a guardhouse he was in. After he was adjudged insane we put him in a separate room that is called the guardhouse there. I took him from this room and started

with him and a deputy, intending to leave him at Wallace in the jail until such time as an attendant from the asylum could come from Boise for him. As we were taking him to the depot, I was accompanied by a private of the Twenty-fourth Infantry, who was acting as guard to assist me in getting him down to the train.

After we reached the depot I stepped up to the ticket office, and when I came out on the platform again I noticed some men at the other end of the platform, and running over there I saw this prisoner, this insane man, running toward the river, and the guard after him. The man seemed to be getting away from the guard, and all at once the guard dropped on one knee and leveled his rifle. I told him to shoot high, meaning for him to shoot over his head, and not to hit him. He shot, but didn't hit him. Whether he shot high or low I could not say. I didn't see the bullet strike anywhere. I said that he could "not get away, as there is plenty of water in the river, and we will surely catch him." He ran to the bridge and jumped into the swift current, and was taken down the river about 200 yards, where his body was washed ashore. He was dead. During the time he was in the water another shot was fired by the same guard. I told him to shoot high, and I noticed where the bullet struck. It was away over his head. He shot with the expectation that we might turn him ashore and get him out. I knew the dangerous position he was in in the swift water, and we thought he might make an effort to get back to shore and we could save him. His body was found under some brush and tangle weed about 200 yards from where he jumped in.

Q. What did the soldier do when he jumped in the river?—A. Fired two shots at him.

Q. Did the guards that were guarding the bull pen fire at him?—A. No; the guard that was with him fired two shots. The soldiers in charge of the prison didn't do anything that I know of.

Q. Was the guard one of the soldiers?—A. Yes.

Q. Did any of the shots take effect?—A. No. An autopsy was held on the body the following day by 3 physicians of this county, who said that the man came to his death by drowning. It was generally reported on the outside that the man was shot and had been killed by gunshot wound, but there was no gunshot wound on his body. No wound of any kind was found on his body.

Q. Do you believe that the effect of fear upon the man had anything to do with hastening his death?—A. No.

Q. Did he get under the water to escape the bullets?—A. He was not under the water before he passed the curve of the river, where we could not see him. So long as I saw him his head was above water. It was also stated that the cause of this man's insanity was that he was forced to testify before the coroner's jury to a condition which didn't exist. But such statements have never been proven, and are not shown to be true in any particular. His statement before the coroner's jury is a matter of record, and is a part of the proceedings on file in the coroner's office. His own statement was that he was present at the scene of the riot, but did not participate in any particular in the same.

Q. (By Mr. KENNEDY.) While you were acting sheriff did you appoint the deputies?—A. Yes.

Q. How many did you appoint?—A. I had an order from the court to appoint 5 deputies, and I did appoint 5 deputies.

Q. Were all the arrests that were made by the soldiers directed by yourself and your deputies?—A. They were not. The State employed men, who were paid by the State and who were familiar with the country. They were only deputy United States marshals; that is, they were known as such, but I don't know whether that was their capacity or not. They were appointed by the governor. A large majority of the arrests were made by these men acting for the State.

Q. Some were made by yourself and your deputies?—A. Yes.

Q. As a rule, then, were they directed by either yourself, your deputies, or else through the State officers?—A. Yes.

Q. The soldiers didn't presume to make arrests without being directed?—A. No; not in any case that I know of. I never heard of a case where the soldiers arrested men without the direction of the civil authorities.

Q. Who is Chester H. Lindley?—A. I understand he is the attorney for the Bunker Hill and Sullivan Company.

Q. Is he a resident of this State?—A. He is a resident of San Francisco.

Q. State of California?—A. Yes.

Q. Did you collaborate with Mr. Lindley and Mr. Sinclair in the preparation of that proclamation?—A. Yes; Mr. Lindley, General Merriam, Mr. Sinclair, and myself were present at the time.

Q. Who wrote it?—A. Judge Lindley, I think, wrote it. Mr. Sinclair and Judge Lindley are the authors of it, although we were all present and discussed it.

Q. After it was prepared you presented it to General Merriam for his approval or disapproval?—A. He approved it.

Q. Just indorsed it?—A. Yes. The approval is in the handwriting of H. C. Merriam, brigadier-general.

Q. It has been stated by a couple of witnesses before the commission that politics may have had something to do with this trouble and with the removal of your county officers, and since I came into the county a gentleman, who, like yourself, is physician for one of the mines and conducts one of the private hospitals, has told me that there is not a single man confined in the bull pen who is not a Populist, and that he would give $5 apiece for the production of any man or any number of men in that bull pen who are not Populists. He stated it was his belief that the trouble was inaugurated for the purpose of driving the Populists out or breaking them up in this county. Can you state anything in regard to it?—A. Yes. That is entirely new to me. I never heard anything about that. I can positively state that I know of no political methods that have been followed or desires that have been called into the matter or consulted in any way. I am prepared to say that is true positively. As to the politics of those persons in the prison, I know nothing about them. I don't know now whether they are Populists, Republicans, or Democrats, and am not prepared to state the politics of any one individual in that prison. I positively never thought about the subject.

Q. Where are the men who have been indicted now confined?—A. In the prison with the rest of them.

Q. In the bull pen?—A. Yes.

Q. Under United States control?—A. Yes.

Q. But were indicted and arraigned in the court here?—A. There have been some indictments by this court, by Judge Stewart's court, and then under Judge Beatty, at Moscow, in the Federal court. In May there were some 40 indictments by name, and 400 others whose true names are unknown.

Q. Do you know the ground of indictment in the Federal court?—A. No. They are eyewitnesses of the scene—people who were participants in that riot and who could tell as to the number, etc.

Q. If they were indicted by the Federal court, they must have committed some crime against the Federal Government?—A. The grounds, I believe, are that they stole a United States mail train to carry the dynamite and men to the scene of the riot.

Q. Was mail carried on that train?—A. Yes.

Q. Was it a passenger train?—A. Accommodation train, I think. There was a caboose.

Q. Was the mail carried on that caboose?—A. It is my impression that it was a mail train, and that the charge was for interfering with the mails. There is a mail train from Spokane to Wallace, and also a train that takes mail from Wallace to Spokane, both of which were delayed by the blowing up of this mill. If I remember the testimony of those witnesses, the train from Burke to Wallace carries the mail. I believe there have been 8 of these prisoners indicted by the grand jury of this county and arraigned in Judge Stewart's court. There have been 8 indicted for murder. They were indicted on 5 different counts. They were indicted twice for the murder of John Schmidt and John Cheyne. Each one has been indicted for these 2 murders, and also for razing the Bunker Hill office and mill, and for conspiracy.

Q. Those 8 whose indictments have been published have been arraigned in this court?—A. Yes.

Q. And now confined under Federal authority in the bull pen?—A. Yes; all of them are confined there except Corcoran, the one that has been tried. All that are left here are in the military prison at Wardner.

Q. Do you believe that if you had been the sheriff of this county prior to the time of this trouble you could have prevented the trouble that culminated in the destruction of this property?—A. I think any honest man could have done so; yes.

Q. You think any honest man could?—A. Any honest man.

Q. He would also have to have been a pretty determined and fearless man, would he not?—A. If he had come into office on the 28th day of April, yes; but if he had been in office for some time it would be different. The facts brought out in the impeachment proceedings against the sheriff and county commissioners fully set forth the conditions, and what transpired at that time, and especially what transpired between Sheriff Young and Governor Steunenberg.

Q. You believe, then, that the necessity for bringing this county under martial law was the result of weakness and incompetency on the part of the county officers, particularly the sheriff?—A. I do.

Q. And the commissioners also?—A. Yes.

Q. (By Mr. MANTLE.) What is your general opinion about this permit system?—A. I think it is a necessary condition to enforce at this time.

Q. You say you were present when the application for permit was formulated?—A. Yes.

Q. Do you consider that the terms of that application are consistent with the proclamation?—A. That has been a topic of complaint.

Q. Don't you think the terms of the application for a permit go much further than the terms laid down in the proclamation?—A. In word, yes; but not in fact.

Q. In the proclamation I see it refers to certain criminal organizations; in the application it says miners' unions?—A. Yes; the organizations meant when the proclamation was written were the miners' unions.

Q. Do you think you have authority to put anything in the application for the permit in excess of what is set forth in the proclamation?—A. Well, I am free to say that I did not inquire into the question of authority at that time. The attorney, representing the State, and Mr. Sinclair, representing the governor, represented the authority in the matter. To give you an idea of what I mean, there are two things in the proclamation. I will read them. [Reading:]

"Parties applying for such permits must be prepared, first, to deny all participation in the riots of April 29, 1899, in Shoshone County, and, second, to deny or renounce membership in any society which has incited, encouraged, or approved of said riots or other violation of public law."

The application for permit requires the applicant to say: "I did not participate, actively or otherwise, in the riots which took place at Wardner on the 29th of April, 1899. Believing that the crimes committed at Wardner on said date were actively incited, encouraged, and perpetrated through and by means of the influence and direction of the miners' unions of the Cœur d'Alenes, I hereby," etc.

Q. While the terms of the proclamation are general as to any society, the application for permit requires the applicant to say that he believes the crimes were committed by the miners' unions of the Cœur d'Alenes. It occurred to me that the terms of the application for permit were very much in excess of the terms laid down in the proclamation. I wanted your opinion as to whether you thought you could go beyond the proclamation in making up the form for application?—A. Our understanding was that the miners' unions were responsible for the destruction of this property.

Q. Although it does not say so in the proclamation?—A. Yes. The fact that it was not specifically stated in the proclamation may have been an oversight. It was made specific in the application for permit.

Q. It might have been unknown at that time that the miners' unions did the damage?—A. It was known at that time. At the time the trouble occurred the Bunker Hill Company was the only company in the district that employed non-union men exclusively; every other mine in the district was employing union men. The mines on Canyon Creek employed union men; the mines at Mullan employed them—employed nothing but union men. All the men employed at the mines on Canyon Creek and at Mullan were union men; and when the mines closed down that morning and the men stole the train and came down from Burke and Gem and were met by men from Mullan we had reason to believe that it was the union men who did it. The presumption was that it was done by members of the miners' unions. In the evidence adduced before the coroner's jury you will perhaps find a great many things that will enlighten you.

Q. This proclamation was approved before the evidence was obtained?—A. Although we had started at the time.

Q. There is a question in my mind whether the proclamation don't really rule in the case, and whether those who are called upon to administer martial law are not bound by the terms of the proclamation; and there seems to be a difference between the proclamation and the application. To state my idea more clearly, I should think that whatever proceedings are had must follow the lines of the proclamation; must be in accord with the letter and the spirit of the proclamation. The proclamation is of itself a law in effect, and whatever course is adopted in enforcing it must agree in terms with the proclamation.—A. I am free to say it was my understanding, and I think the others who were present at that time will also say that when the proclamation was written, while it may not be stated therein, we had in view the miners' unions. While miners' unions are not specifically stated in the proclamation, they are mentioned in the permit, and we had them in view at the time the proclamation was prepared. There may be a discrepancy there; it must have been an oversight at the time. Of course, it would be pretty difficult for a member of the miners' union who signed that application to know who was connected with or participated in the riot, but he would have to say he believed that the crimes were incited, encouraged, and precipitated through and by the

miners' unions of the Cœur d'Alenes, and probably a good many members of the miners' unions did not indorse it, and did not approve of it, and don't to-day. It is not only possible but probable that a great many members of the miners' unions did not participate in the trouble and would not have participated in it, and would not have encouraged any such violation of law as took place; yet the presumption is, and it is warranted, we have no doubt, by the conditions, that a great many members of the miners' union did participate in the violence.

Q. (By Mr. RATCHFORD.) Can you state to the commission positively that the miners' union is a criminal organization?—A. To the best of my belief, yes; from what facts have come before me as coroner of the county and from what I have heard in my official capacity. I might qualify that. I don't mean to say that the miners' unions are organized with a criminal intent at all, but that here they were controlled by criminals.

Q. Can you state that criminal action at any time has been taken in the miners' union meetings?—A. Yes.

Q. That you know to be a fact?—A. I know it from sworn evidence.

Q. Now, let me ask if a large percentage of these men who are charged with crime were members of any particular civic, beneficial, or religious organization, could such organizations be justly charged with crime?—A. If a good majority turned out and committed crimes, and willfully violated the law, then I should say that the organizations were criminal organizations.

Q. Is it true that a great majority of the members of the miners' organizations turned out and committed crime?—A. They did; yes.

Q. It has been stated before this commission that the number of participants in the crime of April 29 last was very small as compared with the whole number of miners present; that the others there were there out of curiosity and as spectators, as evidenced by the fact that they had neither masks nor guns or any charakter of disguise whatever. What is your judgment about that?—A. The findings of the coroner's jury set forth fully the actions and doings of the different unions of the Cœur d'Alenes on the 29th of April. You will find in the verdict that the Burke union held a meeting at Burke on that morning; the Gem union held a meeting at their hall at 9 o'clock that morning, produced masks in their hall, armed themselves in their hall, marched out and stole the train, took the dynamite, went down to Wardner, and dynamited the mill.

Q. Was that hall owned by the miners?—A. I don't know. It goes by the name of the miners' union hall.

Q. Is it not true that all other orders, unions, associations, etc., met in that hall?—A. It may be. I don't know that it is not true.

Q. Did the members of other organizations in that town meet in that hall?—A. That might be.

Q. Had they any other place to meet in that town, to your knowledge?—A. Not to my knowledge.

Q. Yet the hall goes by the name of the Miners' Union Hall?—A. Yes. I will say that the Burke hall goes by that name, and the halls at Mullan and Gem go by that name also.

Q. In the impaneling of the coroner's jury, did you confine yourself entirely to the town of Wardner?—A. I did—Wardner, Kellogg, and vicinity.

Q. For what reason?—A. For the reason that it is customary. I don't know that it is compulsory, but it is customary, to summon the jury from near the scene of the killing. The statutes are not positive on that. It is optional with the coroner.

Q. Was there not a strong prejudice on the part of the people of Wardner against those who committed that crime on the 29th of April last?—A. There very probably was against those who committed the crime.

Q. (By Mr. MANTLE.) This testimony bearing upon the action of the miners' union to which you have referred, was that furnished to the coroner's jury by members of the miners' union?—A. Yes. This testimony showed that meetings were called by officers of the miners' union; that the calls were issued to the members of the miners' union by officers of the union to be present at the hall that morning and prepare to go forth on the expedition of destruction. It was suggested in the miners' hall at Mullan that they mask, but they voted it down in the Mullan hall. It was shown by witnesses, miners' union men, that they did mask in the hall at Gem, and that these meetings were all called that morning by officers of the various miners' unions, and not by the officers of any other organizations.

Q. You base your belief that the miners' unions in the Cœur d'Alenes are criminal organizations, as stated here, upon the sworn testimony of members of the union before the coroner's inquest over the body of James Cheyne?—A. I do.

Q. (By Mr. RATCHFORD.) Have you any evidence tending to show that action

was taken by the unions along this line prior to their assembling that morning?—A. No.

Q. Were the records and papers of the union not confiscated by some means?—A. They were.

Q. Is there any record going to show that any action was taken along that line?—A. There is not. I will say in that connection that we have testimony of members of the organization known as the miners' union that shows when a strike is ordered or declared the details of that strike, how it shall be carried on, are left to what is known as the central executive committee of the miners' union. We also found that this is composed of delegations from each of the local unions. We have 4 local unions in the Cœur d'Alenes, and the central executive committee is composed of 8 members. The details of the strike and whatever is done is left to them. Orders are issued from the central executive union to the local unions as to what should be done; that is, the local unions are subordinate to the central executive union.

Q. Judging from that, there is a probability, is there, that the central executive union, or the members composing it, took the action and sent word to the local unions to carry it out?—A. That is the supposition; yes.

WALLACE, IDAHO, *July 27, 1899.*

TESTIMONY OF MR. JOSEPH MACDONALD,

Manager Helena-Frisco Mine, Shoshone County, Idaho.

The subcommission on mining being in afternoon session, July 27, 1899, at Wallace, Idaho, Chairman Bell presiding, Mr. Joseph MacDonald was duly sworn and testified as follows concerning the labor troubles in the Cœur d' Alene mining district of Idaho:

Q. (By Mr. MANTLE.) Where do you live?—A. Gem, Idaho.

Q. What is your occupation?—A. My age is 41; occupation, miner; I am manager of the Helena-Frisco mine, for the Helena-Frisco Mining Company, Limited.

Q. Where is that property situated?—A. On Canyon Creek, Shoshone County, Idaho.

Q. How long have you been a resident of this district?—A. Since the 27th of April, 1892.

Q. How long have you occupied your present position?—A. Since September 15, 1892.

Q. You are familiar with conditions generally here in this district and the Cœur d'Alene mining region?—A. I think I am.

Q. You are aware of the conditions which have existed since your residence in the Cœur d'Alenes?—A. Yes.

Q. And which now exist as between capital and labor engaged in the mining industry?—A. Yes.

Q. With particular reference to the difficulties which have heretofore existed and now exist between the labor unions and mine owners in this district?—A. Yes.

Q. Now please, if you will, go into the facts and tell the commission in your own way anything you may know upon this subject?—A. In April, 1892, I took charge of the Tiger mine for S. S. Glidden. The Tiger mine is in Burke, Idaho, Shoshone County, about 3 miles east of the Helena-Frisco. They had some labor trouble at that time at the Tiger and Poorman; there was a strike on the Tiger-Poorman. We compromised the strike in some way and they went to work. July 10, 1892, the men all left the Tiger-Poorman and went down to the Helena-Frisco and blew it up. I think they went down on the evening of the 10th and blew it up the following morning. There were some men killed on both sides, I believe, in the fight that occurred during the blowing up of the property. I believe 5 or 6 were killed at the Helena-Frisco. The troops came in a few days afterward and arrested these people. I don't remember the particulars. I don't know much about it. I never went down to any of the trials they had.

When I went to the Helena-Frisco, September 14 or 15, 1892, we were then working some union and some nonunion men. The mine ran along in that way until June 20, 1894, when a committee from the union notified me that if I didn't discharge 6 nonunion men that were there they would do away with them. Those were the words they used. I discharged them, or at least told them it would be better for

them to get out. They also notified the Milwaukee Mining Company. They had some 12 nonunion men, and they notified them that if they did not discharge them that thing would happen. They would not discharge them, and on the 3d of July, 1894, about 50 men, masked and armed with rifles and shotguns, walked down about 4 o'clock in the afternoon from above the Frisco, from Burke apparently, and down to the Gem, and shot the blacksmith there, by the name of Knebone and took the superintendant, foreman, and boss carpenter out and marched them up over the hill toward Montana, through Burke, and up toward what we call Thompsons Falls, and informed them if they came back they would kill them. And after that, if there was anyone in the mines they didn't want there, they either notified you to let them go or they took them out themselves—out of the country. If you didn't discharge them when you were told to, they went and took them out of bed at any hour of the night, or from the mine, and drove them out. There were several cases of that kind. I believe at least one case of that kind happened every month. Then, on the 23d of December, 1897, after taking one man, who was our mill superintendent, named Whitney, out of his bed at 10 minutes to 10 at night, they marched him down below the town of Gem and shot him, and left him there dying from the wounds. They took one of our mill shift bosses, I think about a month or 3 weeks before that—took him down below the town of Gem to a place called the Granite mine, or mill, and took his money away from him—so he told me afterwards—and ordered him not to come back, and he didn't. He sent for his trunk and valise and other things and went to Butte.

Q. What is his name?—A. Barry; his initials I don't remember. He was shift boss at the mill. Then here last winter or the one before, I would not say when, they took Dan Conners out—he was shift boss of the Standard—took him out, marched him down the track, and gave him 3 days to get out of the country or they would blow him and his family up, and he left within the given time. Then, about last Christmas, they drove a fellow away who was working in our mine; had some dispute with him. He was working in the Helena-Frisco. They drove him out and hit him with a club. After he got out he turned around and shot the fellow and killed him right at the mouth of the tunnel. That was followed by his trial, but he got clear for killing the man. He shot at one man and killed the brother of the man he shot at. He didn't kill the man he shot at, but another man. There were other things that happened at these other mines. These things were pretty frequent. I forget exactly the day, but there were some killed in Burke in the same way. Mr. Culbertson could give you more of the details than I could. It is only by hearsay that I know these things regarding Burke. And that leads up to the night of the 28th of April. I was down here in Wallace at an Elk meeting, and a fellow was sent up to me at the meeting who told me the plans were all ripe to blow up the Bunker Hill property and drive out the nonunion men; and he says, "You will not have a man working at the Frisco to-morrow, or up at Mullan, or anywhere on Canyon Creek." I asked him how he got this information and he said, "Well, that's all right; I know it."

Q. Was he a member of the union?—A. I think he was. He was a detective who was in there. So I left the hall and came down and took a team and drove home, and everything seemed to be all right. There was nothing going on more than usual, but I sat up until 6 o'clock in the morning on the 29th, waiting to see what would happen, and I saw the mill crew all starting over to the mill; and a little later, about a quarter of 7 in the morning, I saw the miners going to the mine, and I noticed the president of the union going over; and I thought maybe this fellow was mistaken, as they were all going to work, apparently. But in about fifteen minutes the superintendent came over and said that the men were going to the miners' union hall, and there was no one left in the mine to work but 2 men. I asked him who they were, and he said the pump man and engineer. Our engineer is stationed under ground, about 1,200 feet from the surface.

Q. How about the fireman?—A. There was 1 fireman, and he stayed until the balance came back to release him. I asked him what they were going to do, and he said he didn't know, but that he would go down and find out. He came back, and several others came up from town there, men we knew there, and said they were all going to Wardner.

Q. Were these men members of the union who were talking to you?—A. Yes. Some were in the union and some in the Knights of Labor. I asked them if there were many going, and they said that everyone had to go; that they were just "distributing the guns down there now." They went on up to the cabin a few minutes and came down with their guns, and went on past within 15 feet of me, and went on down; and then the Northern Pacific train came in. But I am getting ahead of my story. Mr. Culbertson came down and told me everyone was

going to Wardner from his mine. I asked him how he knew, and he said he was going East that morning and he had sent in to get Paul Corcoran out of the miners' hall, and told him that he heard there was going to be trouble, and if there was going to be trouble around the mine that he would stay at home.

Q. Was that the miners' union hall at Burke?—A. Yes. Paul Corcoran was the secretary of the union there, and assured him that there would be no trouble; that they were going to Wardner and would all be back that night. Then he got on his handcar and went to Wallace, and went on his way East. When the Northern Pacific train came down from Burke a quarter after 10 it had several box cars on, loaded with men. Some of the men were masked and a great many carried guns, and some were not masked. Some were on top of the cars. They went down to Gem, then took their engine and in about 15 minutes they were on the track by the Frisco mine with about double as many men. I think then they had at least 600 men on the train. They went up to the powder magazine and, as I found afterwards, broke the lock, cut that off the powder magazine, and also off the fuse house, which is within 50 feet of the magazine. They took out whatever fuse was there, and 80 50-pound boxes of giant powder; 40 boxes of it was No. 1 and 40 boxes No. 2; and then they started down toward Wallace here, and I left and went up to the magazine with Arthur Swain and a man by the name of Sterling, and found the lock lying on the ground around the powder magazine and this amount of powder gone—80 boxes and all of the fuse gone. On the way down from the powder magazine, on their way down to Wallace, they passed within 95 feet of us. We were standing there and they shook their hands and guns at us as they went down. Out of 240 men only 2 of our men worked that day in the mine. They went down, as I afterwards learned, to Wardner. On their way back, when the train stopped at the Frisco, lots of them got off and conversed freely about what they had done. It was no secret. They didn't make any bones about it at all. That leads up, then, to when the soldiers came in and arrested them, and took them down to Wardner. That is an outline of my remembrance of it.

Q. Has the miners' union been in the habit of dictating to the mine owners as to who they should employ or discharge?—A. Yes.

Q. Are you at liberty, as manager, to discharge or employ whom you please?—A. Well, you have to be very careful about doing that.

Q. Do they make demands upon you for the discharge or employment of men?—A. Yes; in several cases they have done that.

Q. Do you usually obey their order?—A. Yes; I did: used to do it.

Q. Why?—A. They had a way of enforcing their demands, and the real question with them was to know what we would do.

Q. As a matter of policy you found that it was better to yield to their demands?—A. Yes; I believe there is a man sitting behind you there—the men made a demand on us to put him to work, and we had to put him to work.

Q. Was he a good man?—A. No; he was not. He ran a car half a day and quit; I would not be sure just how long.

Q. You say in your judgment there were 600 men on that train that passed your place?—A. At least that, in my judgment.

Q. Is the miners' union hall at your mine?—A. No; at Gem, below.

Q. How far below your mine?—A. Sixteen hundred feet below the office.

Q. You know of your own knowledge that the men with the guns were miners?—A. Yes; I saw them carry their guns down.

Q. You saw them on the train; saw them go and saw them come back?—A. Yes; talked with several of them on their way to the train.

Q. You know absolutely that the members of the miners' union went on that train and came back on it?—A. Yes; I didn't want to be brought in to give any evidence before the court at all about that, and got away from doing it; but since you ask the question I will answer it. I was on the stand in the court room, and they didn't ask the question, and therefore I didn't volunteer any information.

Q. How many men do you employ now?—A. About 200.

Q. You have within 40 of your full complement?—A. Yes; we have about 205, all told.

Q. Do you know how many men are employed at the Tiger-Poorman now?—A. They have not many there now except the pump men, and such as that. They are waiting for some new machinery, I think.

Q. Do you know how many men are employed at the Gem?—A. The Gem is not running now. I have the Gem under bond.

Q. Are there any mines employing men in the Canyon now?—A. The Standard employs about 150.

Q. How many are working at Mullan?—A. Little over 100. The Morning mine was the last mine to start up.

Q. How many men are working at the Mammoth?—A. From my information about 60 men are working there.

Q. So there are about 700 men working in the Canyon and at Mullan now?—A. I think so.

Q. Are these men all working under permits?—A. Yes; some, though, that are not; I have a master mechanic and some that are not.

Q. Are the pump men under the permits?—A. We have not had the time to arrange for permits for all our men. When we started up after this trouble, we started up with 5 men, and the master mechanic, machinists, fireman, engineers, pump men, and mill men all quit and went out.

Q. Did you or anyone in authority at the Helena-Frisco mine, either directly or indirectly, give permission for the taking of this powder?—A. No.

Q. You didn't wink at it?—A. No.

Q. It was done absolutely without your consent?—A. Yes.

Q. Is there any breach existing between the mine owners and operators and the managers in the Canyon and the Bunker Hill and Sullivan Company at Wardner, or any prejudice against the latter?—A. No; I don't think so.

Q. Is there any ill feeling against the Bunker Hill and Sullivan because this demonstration resulted from its refusal to pay the union rate of wages or to employ union labor?—A. No; there is not.

Q. Do you consider that there is an advantage to the miner in working in the Bunker Hill and Sullivan mine, because of the fact that it is drier, over the work in these shaft mines in the Canyon?—A. Certainly there is. It is an easier mine to work in; it is dry and has less foul air, and nice, large stopes. It is a tunnel mine, and there is no shaft work in it.

Q. In your judgment, is $3.50 per day for work in the Bunker Hill mine a higher rate of wages proportionately, all things considered, than $3.50 for work in the Helena-Frisco and Gem?—A. Yes. You see in these shaft mines, such as the Helena-Frisco, Tiger-Poorman, and others, they are wet, and you must wear rubber clothes. A rubber suit costs about $15, and it is gone in a month. In the Bunker Hill you don't use any rubber clothes at all.

Q. Has your company attempted to reduce wages at any time?—A. Not since I have been there.

Q. Not since you have been manager?—A. No.

Q. (By Mr. RATCHFORD.) Does the company not share in that natural advantage at the Bunker Hill mine—dry mine?—A. Yes; they do. They don't have to pump water.

Q. That is one large item of expense that is saved to them, as compared with your company?—A. Yes.

Q. Their mine is a tunnel mine?—A. Yes.

Q. And yours is a shaft mine?—A. Yes.

Q. The cost of putting the product upon the surface in their mine, during the life of the mine, is somewhat less than it is in a shaft mine, is it not?—A. No; we produce cheaper than they do.

Q. All things taken into account, do you know of any good reasons why the rate of wages per day should be less at the Bunker Hill than at other mines in this district? Are there any reasons why the wages should be any less, or should they be uniform, in your opinion?—A. Well, I think the wages in the Bunker Hill really ought to be cheaper, as it is an easier mine to work in, and board is only $6 per week.

Q. Is not the capacity of the men in that mine greater? Are they not able to produce more by reason of the thickness of the vein?—A. No; on the contrary, they can not produce as much. I will explain that to you. Their stopes are large; some of them are as much as 50 or 60 feet wide, and the ore is very thinly scattered through their vein. That all has to be broken and then hand picked in order to get it up to what would be worth shipping down the tramway to the mill. Now, at their mine the vein ranges from 7 to 12 feet broad, and at the Helena-Frisco it would average 14½ feet right through. All that goes to the mill. The same amount of ore naturally has to be concentrated. From 12 to 14 feet of ore in the Helena-Frisco means from 30 to 50 or 60 feet of ore in the Bunker Hill.

Q. (By Mr. MANTLE.) Nature has done for you what the Bunker Hill has to do for itself?—A. That is it exactly.

Q. (By Mr. RATCHFORD.) You stated that you can not hire or discharge whom you please, did you not?—A. There are cases where you can and cases where you can not do it.

Q. What is the rule?—A. Well, if you hire a man and he is not a union man, has not the union grip, about the second day after he goes to work they will

apply to him for the grip; and he says he has not got it. They will ask him where he works and also request him to put in his name to join the union, and that goes to the investigating committee. Then they will appoint what they call an investigating committee, and they write back to wherever he says he has been working, and find out what kind of a man he is. If they can not find out much about him he will have to give references from the nearest local labor organization to the town which he lived in; and if he does not do that you will be notified not to let him work.

Q. Have you reached that stage now where a man is approached the second day after he is employed by the miners' committee?—A. Yes.

Q. Before you reached this stage, when a man came to you and asked for employment, did you feel free to offer it to him?—A. Yes, I did; certainly.

Q. Then there is no dictation up to that point?—A. No; not up to that point.

Q. The dictation in your experience is practiced after the man has been employed in the mine—I presume, to have him join the union?—A. Yes.

Q. And if he refuses to join the union, then they take action such as you indicated sometime ago in your testimony?—A. Yes; but none of them refuse to join the union; they refuse to let them join.

Q. On what ground?—A. A great many on the grounds that they don't know them, or on the grounds simply that he is not in sympathy with them and was not in sympathy with them in Cripple Creek, Colo., or Leadville, Colo., or some other mining camps, according as the charges come in against him.

Q. (By Mr. MANTLE.) What was the objection to the 6 men they demanded you to discharge?—A. One of them was a shift boss that I had, and they said they didn't want any cheap shift bossing while the strike was on. That was in 1892 at the Frisco. That was before my time there; but he was there after I came and thereafter for a year or so.

Q. Was he a member of the union?—A. No; after he became a shift boss he was not a member of the union.

Q. Didn't they permit shift bosses to be members of the union?—A. No; I don't understand it in that way.

Q. Whenever you are asked to discharge a man, does that man belong to the union or have a right to belong to the union?—A. The very man that they demanded discharged at this particular time—they had stated to me they didn't think he was in sympathy with their movement.

Q. Were any of these other men members of the union?—A. That I could not say. They said they were not in sympathy with their movements, and therefore the two classes could not get along.

Q. Did they ever make a demand upon you as manager, as a union, to discharge men that were satisfactory to you and that were members of the union for special reasons of their own?—A. They, being members of the union, have made demands upon me to discharge men that did not belong to the union, but had some record by which they were disqualified from belonging to the union and would not be allowed to join the union. For instance, I could state a case where we discharged a man of that kind. This is a case on the Black Bear. We had a man there who was a member of the union. He had a contract to run a tunnel for me, and the financial secretary of the Gem union was working there. His name was Jim Malone. Malone got in the habit of laying off for the meetings of the miners' union, so this shift boss on the work there let him go, because he laid off without notifying him. The unions took action on that and notified this shift boss that he would have to pay Jim Malone $3.50 per day for every day he was out of work, and to pay him every day until he could get work at either the Black Bear or the Helena-Frisco, and the shift boss came to me about it and told me about the condition, and said he could not afford to pay him, but that he must either do it or go down the canyon. I said, "What can I do for you?" He said, "Put this man to work somewhere." I talked with the foreman of the Helena-Frisco, and we put him to work in the mill. He worked 4 days and quit. Then the shift boss took the matter to the central union here, which was composed of 8 men, 2 from each of the 4 unions then in the country—Burke, Gem, Mullan, and Wardner—but he got no satisfaction from them. Finally there was nothing for him to do but to pay this amount demanded or go down the canyon. He got notice when it was time to pay this money that if he didn't have this money in before 9 o'clock that night he would have to take the consequences, so I guess he had nothing to do but to pay it.

Q. What do you mean by going down the canyon?—A. Getting out of the country. That is what is known as going down the canyon.

Q. In other words, to run you out of the country?—A. Yes.

Q. (By Mr. KENNEDY.) Are you a practical miner yourself?—A. Yes.

Q. Were you a member of the union when you worked in the mines?—A. I was; yes. I belonged to the union in Yuba County, Cal., in 1876, and also Mono County, Cal., in 1877-78.

Q. Do you believe it is necessary for the men to be organized for their own interests?—A. Yes; I think it is a good thing for them to be organized if it is conducted for what it is gotten up for. Then you have some one to treat with if they are organized. Then there are some sick benefits to it, and on the whole I believe it is a good thing for them to be organized.

Q. You believe their rights will be better protected if they are organized than if disorganized?—A. Yes, I think that is right, although I don't know just how you mean.

Q. I mean it in this way, that they will have some voice in the regulation of their hours and their wages and the conditions under which they work?—A. Yes; that is a fact. There is no question about the uniformity of hours with us, with the mines up the canyon; everything works very nicely, I think.

Q. Is there a new organization forming among the miners in your employ now?—A. Yes. They have 150 names and are going to organize to-morrow night.

Q. From whom will they get their charter, and will they have an original organization, or will it be the old organization?—A. I could not tell you that, for I don't know anything about it. I was told that they were going to organize and had 150 names of those to be organized.

Q. Are they all permit men?—A. Yes.

Q. How many of those permit men are members of the old union?—A. I could not tell you that.

Q. What number of the employees with you are Americans?—A. Eighty per cent of the new men are Americans.

Q. Where do they come from?—A. California; some from Missouri, some from Cripple Creek, and some from Leadville, and some from Georgetown, Colo.

Q. Are you glad they are forming a new union?—A. Well, I don't care much about it. I think it is a good thing for them for this reason: If any of them get sick, they get a benefit of $10 a week from the union, and they are altogether cared for in that way.

Q. Do you believe that a miner coming here from Cripple Creek, Colo., or from California, who knows practically nothing about the troubles that were existing here previously, that he should be compelled to sign a document stating that he believes that the miners' union of this country is a criminal organization?—A. I don't think he has to sign that document. I think there is another one that he signs. There are two of these documents—one for the nonunion man and one for the union man.

Q. (By Mr. RATCHFORD.) Does not that permit deprive a nonunion man who has taken it out of the right to connect himself with any trade union?—A. No.

Q. Only with the union that has been in existence here?—A. Only with the Cœur d'Alenes union. As the permit system has been explained to me, there is no objection to their joining any other union except the Cœur d'Alenes union.

Q. Then I understand from your position that you have no objection to your workingmen connecting themselves with a union, and that you prefer to treat with a union, and that you only object to it when it extends beyond the limits of fairness or reason?—A. Yes; that is it. Whenever it breaks the law I object to it. In all other ways I believe it is a good thing. When they were getting it up and asked me about it I simply told them, in these words, that "it is a good thing." They are going to organize to-morrow night, I was told, and they are to use our reading room. We have a building about 30 by 75 or 80 feet. We have quite a reading room kept up there and lighted with electric lights, and in the winter time it is steam heated and it makes a very comfortable place for them to assemble evenings, and I told them they might have the use of that, and we would not charge them anything.

Q. (By Mr. MANTLE.) What are the hours for labor of the miners in the Cœur d'Alenes?—A. The shift is 10 hours, with the exception of Saturday, which is 9 hours. The night shift is 9 hours, with the exception of Saturday night, and that is 8 hours; and that time counts from the time they start to go in the tunnel.

Q. That is uniform throughout the district, is it?—A. Yes.

Q. Are you paying your present force union wages?—A. Yes.

Q. Are you treating them in every particular as you did the union men?—A. Yes.

Q. In your judgment, have the Cœur d'Alene miners' organizations conducted themselves in a legitimate manner and along the legitimate lines of labor organizations and in such a way as to serve the best interests of labor?—A. No, I don't

think they have; and I think they have injured labor and themselves by the way they have worked it.

Q. (By Mr. KENNEDY.) You stated that most of your new employees are native Americans?—A. Yes.

Q. How was it with your former employees in regard to their nationalities?—A. About 12 per cent were Americans; maybe 10 per cent. Some months it would be 11 per cent. I would consider 11 per cent the basis.

Q. Was the other 90 per cent made up from the nationalities of Europe?—A. The majority were Italians and Swedes. By what we call Swedes I mean Norwegians and Danes, etc.

Q. North-country men?—A. Yes.

Q. About what per cent of Italians did you have?—A. I think about 50 per cent.

Q. Did these Italians come directly to you after landing, or did they come from other parts of the country?—A. They came from different parts of the country. Of course the most of them speak a little English.

Q. Did they become members of the miners' union as soon as they got in the country here?—A. Yes; they joined the union.

Q. Did they come here before they joined the union?—A. That I could not tell you.

Q. Did they come in large numbers or singly?—A. Just 1 or 2 at a time.

Q. (By Mr. MANTLE.) In 1892, when this conflict arose between the union and the nonunion men, did it result in the nonunion men leaving the country or remaining?—A. They remained in the country about 2 years, or very nearly that time.

Q. Did they ultimately become members of the union?—A. No; they kept moving away. Union men saw to it that nobody gave them work; at least they didn't get work very generally.

Q. Were they compelled eventually to leave the country as the result of these hostilities?—A. Yes; in 1894 they eventually were.

Q. (By Mr. RATCHFORD.) It has been stated that the men imported during that strike of 1894 did a great deal toward protracting that trouble by giving offense to the families of union miners and to the union miners themselves.—A. I never heard anything about that. I don't think it is so; at least I never heard it before.

Q. Who was the first to import arms into this country for the purpose of defending either unions or properties, the miners or the mine owners?—A. That I could not say. In 1892 there were 4 or 5 cases of Winchesters shipped in. They were, I think, consigned to Tom O'Brien or some member of the Central Union. I don't know that this is so; it is only hearsay. Culbertson was the man who told me about it. He said he saw the case at the depot here. Then, after that, or about that time, this Union mine here imported about 200 men from the Lake Superior country, and on that train they had 15 or 20 deputies. I don't know what kind of deputies they were, but they had Winchesters. I saw them when they got off the train. There were 15 or 20 or 25 of them. They got off the train, I know, about a quarter of a mile down the track, and all struck out and went up the trail to the Union mine.

Q. Were there any Winchesters imported besides the Winchesters that were in the hands of the deputies?—A. No, not that I know of. I saw them get off the train and start up the track, and the train went back, and there was nothing left there.

Q. You don't know of any instances in which guns have been imported by the mining companies?—A. Yes, I do. After these guards left the Union mill their guns were boxed up and shipped down to Wallace here.

Q. (By Mr. MANTLE.) What have your personal relations been with the miners' unions since you have been manager?—A. I think they have been fairly good.

Q. Do you get along pleasantly with them as a rule?—A. Yes; I was careful not to do anything to offend them.

WALLACE, IDAHO, *July 27, 1899.*

TESTIMONY OF MR. JAMES GANN,

Carpenter, Wallace, Idaho.

The subcommission on mining being in session on the afternoon of July 27, 1899, at Wallace, Idaho, Chairman Bell presiding, Mr. James Gann was sworn and testified as follows concerning the labor troubles in the Cœur d'Aelene mining district of Idaho:

Q. (By Mr. RATCHFORD.) You give your address as Wallace now?—A. Yes; I am a son of the State of Georgia.

Q. What business are you engaged in or were you engaged in?—A. Working around the mines and carpenter work. I am really a carpenter. Sometimes I work at that and sometimes around the mines.

Q. How long have you been in the district?—A. I came here last fall.

Q. What company were you employed with?—A. The Standard for a while. I got hot and quit and went to Burke.

Q. Did you work in the Tiger mine?—A. Yes.

Q. You were also among the number arrested, were you?—A. Yes.

Q. Now you may begin and relate what took place, in your own way.—A. It was on the 4th day of May that we were all arrested by soldiers.

Q. How many were arrested?—A. There must have been 300.

Q. For what?—A. I never learned.

Q. No charges preferred against you?—A. No.

Q. How long were you confined in the bull pen?—A. Seventy-six days.

Q. Was there not some trouble in this district that led to that arrest?—A. Supposed to be; yes.

Q. Do you care to relate a history of that trouble, as you understand it?—A. As I understand it, there was some trouble at Wardner with the miners and operators, and on the 29th of April their mill was blown up and a couple of men were killed—one man a union man and the other man being a Bunker Hill man, they claimed. I didn't know either one of them. So the soldiers came in and they came right up to Burke and arrested the whole of us—arrested every one they could get their hands on. They took them right down there to Wardner, just as they came out of the mines—wet, and didn't give them a chance to change their clothes or anything else. The first meal we got was the next day about 12 o'clock. When we got to Wardner they put us in an old stable, on the night of the 4th of May. There was considerable hay in there and we threw about the hay and made as good a bed as we could. There was quite a lot of suffering from cold that night. It was very cold here that night, and I saw sights there that would make a man's hair raise to think about it. I saw men wallowing in their own calls of nature, because they would not allow them to go to the rear. And in this hay there was some striking of matches and it was very dangerous, you know, about catching fire. If it had caught fire, some one would have been burned up. One of the soldiers stood just outside the stable door, and you just had to toe the mark if you got out at all. I saw them make our men around there work, and they would punch them with the bayonets. I worked there all but 8 or 9 days of the time I was in there. I worked in the kitchen. I refused to work at the start unless it was under protest, and I was forced, and they said I could consider myself forced. Then the orders came that any man who worked in the kitchen would not have to do anything else. I went in the kitchen, helping wash dishes and one thing and another. As a matter of course, I fared a great deal better than lots of others. Lots of them could not get anything to eat. Part of the time the grub was good and part of the time it was horrible. Anyone who worked in the kitchen got the best, of course. I saw men punched there with bayonets when they wouldn't work; when the negro would go and tell the men to go out to work some of them would talk back, and he jabbed them with the bayonet, and said, "None of your —— back talk here." I saw one man with a bayonet jab that was over half an inch deep; I saw it when he pulled up his clothes. Of course, the sergeant was sent for; the sergeant or lieutenant, or general, I don't remember who he was; but he said, "That is all right; that is what they are made for; they are no good unless they are used." They got very poor satisfaction from him. That is all I know about the bull pen.

Q. Did anyone jab a bayonet into you?—A. No. I gave them no time when they told me to do anything I jumped right at it.

Q. Did you see any other exhibitions of extreme cruelty except the man you mentioned as being jabbed with the bayonet?—A. There was one little fellow

there—I don't know his name—who, when he was eating, dropped his plate some way or another, and a negro made him pick it up, and pick the grub up that was spilled and put it on his plate, and made him sit in the mud, and said, "If you get up until you eat that grub I will fill you full of holes."

Q. About Mike Devine; have you heard something about him—the man that died down there?—A. He was in the hospital, he told me, and had just come out and gone up the canyon. He came down here to get a tooth pulled, and was arrested. After he was taken down to the bull pen he took a relapse and died in the hospital. He wanted me to come and wait on him, but they would not allow it. He wanted to come to the sisters' hospital up here.

Q. You saw him in the hospital?—A. Yes; in the bull pen hospital. That was the last time I could see him, and I told the doctor about it, and he said it would be all right in a day or two; and I said, "You know that man is spitting up blood?" He said lots of men worse than he was were walking around over the country. He was in the bull pen then.

Q. What doctor was this?—A. Some doctor there; the same one is there now.

Q. Dr. Stratton?—A. That's the man; said he would be all right in 2 or 3 days.

Q. And he died?—A. They brought him away, and that is all I know about the affair.

Q. (By Mr. MANTLE.) Is that the only instance of cruelty you saw?—A. I might have seen some other little incident about, but paid no attention to it.

Q. (By Mr. RATCHFORD.) You were in the bull pen when Mike Devine was there?—A. Yes.

Q. There when he died?—A. Yes.

Q. Do you know whether or not he asked for a spiritual adviser?—A. He had a little talk with me about this. It passed off. I was to speak about it, but it passed off, as he thought he would go to the hospital. I don't know whether he asked anyone else about it when he went to the hospital.

Q. You are not prepared to say whether he was denied the right to consult a priest or preacher?—A. No; I could not say positively that he was.

Q. Do you know whether any of these acts of cruelty were brought before the physicians there, either Dr. France or Dr. Stratton?—A. There was a distracted man there that they claimed drowned himself; Mike Johnson, I think his name was. They claim he drowned himself, and some claim he was shot. The deputy said right away he was shot, and the deputy is there now that told that. His name is Edmondson. He said that they killed Johnson; shot him in the back of the head.

Q. Was he escaping?—A. Supposed to be escaping. They brought him up to the depot—Dr. France did. He was going to send him to the asylum—that was my understanding of it—and he ran. I never saw the man, but that is the way I heard it. I heard the shots.

Q. He jumped in the river, did he?—A. Yes; and went down 200 or 300 feet, they told me.

Q. (By Mr. MANTLE.) Was there any cruelty practiced on you?—A. No.

Q. Did anyone bayonet you or strike you?—A. No.

Q. (By Mr. KENNEDY.) Curse you?—A. I was abused. I was called a ———. I told them I would play even with them some time or another. The fellow that I said that to threw down his gun, but I got away.

Q. (By Mr. MANTLE.) Are you a member of the miners' union?—A. I am.

Q. Did you go to Wardner on the 29th of April?—A. I did not.

Q. You stayed where?—A. Burke—until about half past 1 o'clock; then my partner and I came down here and went to the lodge that night.

Q. (By Mr. RATCHFORD.) Were you at any time or in any way influenced by the miners' union to join the men that went down to Wardner?—A. No; never a word was said to me about it.

Q. No coercion or anything of that character brought to bear on you?—A. No.

Q. Is it your opinion that every miner was left to his own discretion as to whether he would go or stay?—A. I don't believe there was any compulsion on Canyon Creek or in Mullan. I know there was none in our case.

Q. (By Mr. KENNEDY.) Was there a meeting of your union that morning.—A. No.

Q. (By Mr. MANTLE.) The top men and miners belong to the same union?—A. The top men belong to the Federation of Labor. It is the only one. They have Saturday night meetings.

Q. Which one do you belong to?—A. Miners' union.

Q. (By Mr. KENNEDY.) Because you go down in the mine?—A. Yes; because I go under the ground.

Q. (By Mr. RATCHFORD.) Are you prepared to state that the miners' union as a whole, or different lodges of the miners' union, have taken any action looking

to the destruction of this property or the life of anyone? Have the different lodges of the miners' union taken any action in regard to the blowing up of this property?—A. No; I don't believe there was ever a plan of action until the crowd got together that morning.

Q. It was a kind of spontaneous uprising, was it?—A. Yes; everyone was hustling when the hands came up.

Q. (By Mr. MANTLE.) Did you see the crowd together?—A. There was quite a few from Burke. Below Burke was where most of the crowd came from that time.

Q. Did you see the crowd together?—A. Yes; quite a few came right from the depot. I was standing in my room looking out through the door.

Q. Did anyone ask you to go?—A. I was not there; no one to ask me. I went to go to work, but there was no work; and I went to my room—my partner and I, both.

Q. Did you ever ask if there were any charges preferred against you?—A. I did.

Q. Who did you ask?—A. I asked one of the deputies when I was there in the bull pen; asked him to find out what I was charged with. The warden said I was held by the United States; that there was nothing against me here.

Q. Did Mr. Sinclair or Dr. France ever talk to you there?—A. Yes.

Q. What did they say to you?—A. They didn't say anything except ask questions.

Q. Did they endeavor in any manner to get you to make promises of anything?—A. Yes; asked me if I was there, and where I was and how I could prove it, and such as that. I didn't blame Sinclair or France as much as a lot of them did.

Q. Who do you blame?—A. Well, I blame Uncle Sam. They sent the soldiers here uncalled for. A crime has been committed; and I am as bitterly opposed to crime as anyone; and if they get the right ones they should be punished. That is the way I feel about it.

Q. Why are you opposed to Uncle Sam; you understand Uncle Sam could not and would not interfere here unless the governor of the State had requested Uncle Sam to interfere?—A. I don't suppose that they would have sent them here unless requested; that is all I am sore about.

Q. (By Mr. RATCHFORD.) Do you believe there was provocation for the governor to demand troops from the United States Government?—A. No; I don't. I don't believe there would have been any more trouble. I don't know fully. I could not say what would be done; but I don't believe there was any occasion for the troops to be called here after the 29th of April.

Q. The governor sent the troops here on the application of who?—A. I don't know; I judge the governor.

Q. Who made application from here to the governor?—A. I don't know that; I suppose it was done from Wardner; I don't know whether anyone made application from here.

Q. I mean from this district; not necessarily from this town?—A. I think Dr. France, the coroner, and Mr. Sinclair, together; I judge they called for the troops. I believe they had the matter in hand at that time.

Q. (By Mr. MANTLE.) You condemn the crime of blowing up the mill?—A. Of course I do.

Q. Do you know of any way in which that enormous crowd of men could have been handled if it had not been for the soldiers?—A. I believe they could have gotten every man in three months, if they hadn't made the arrests as they did. If the soldiers had not been here, pretty soon the men would have come out boldly, thinking the matter had been dropped, and they could have gotten every guilty man without any trouble and without having to arrest all of them. That is my honest opinion.

Q. There must have been a great many guilty men?—A. Probably there may have been, but it don't take a great deal to start off powder. Anyway, I believe there were a lot of men who went to look on and took no part in it, judging from what I seen and heard in the bull pen. I believe there were men there who would not take a hand in destroying a bit of property, or hurt a man in any way.

Q. From what you heard in the bull pen, you think that?—A. Yes.

Q. (By Mr. RATCHFORD.) Did you hear anything in the bull pen to indicate that the sympathies of these men were against the blowing up of the property?—A. I have heard both ways. I have heard men make remarks both ways.

Q. There must be a concensus of opinion in that respect?—A. Well, it seems that a part of them were proud of the act and some seemed to think it was a very serious thing. I don't know which way the majority would stand.

Q. (By Mr. MANTLE.) You, yourself, were not proud of it?—A. I don't think I would be proud of anything of that kind.

Q. Your cause for complaint is, being abused by the Federal soldiers?—A. Yes.

Q. By negro soldiers?—A. Yes.

Q. (By Mr. RATCHFORD.) You were confined 76 days without charge of crime? A. Yes. As I told Dr. France, I don't believe I was treated right. I was never arrested before in my life, and I am 41 years old.

Q. Is there anything else you care to say?—A. That is all that I know anything about. If I helped you in giving this, all right; if I didn't, it will not do any injury.

Q. (By Mr. KENNEDY.) You think that Dr. France and Mr. Sinclair are good men and not at all to blame, do you?—A. I believe their intentions are all right, but they are extreme.

Q. In what way?—A. In these wholesale arrests; arresting everyone that comes along.

Q. Dr. France and Mr. Sinclair did that, did they?—A. They had it done by the soldiers, of course. Merriam was here with the troops.

Q. They are blamed for this wholesale arrest of men, are they?—A. That is my understanding. I don't know whether it is Merriam or France or Sinclair. I blame whoever sent the soldiers here—treating us as they do.

Q. Would he have sent them if they had not been called for?—A. I don't know.

Q. Don't you know that they will not be taken away until the governor of the State or the State authorities have no further use for them? Is it not all in the hands of the State officials, this having the soldiers here?—A. I never thought about it, and I don't know anything about it. So far as I am concerned they can keep them here 40 years. I will not bother them if they don't bother me.

Q. Do you know how they came to release you finally?—A. I don't know.

Q. They were convinced that you were not guilty of participation in the destruction of the mill, you think?—A. They ought to know; they turned me loose. I am not going to leave here. There were two witnesses there before them that said I was in my room until after 12 o'clock.

WALLACE, IDAHO, *July 27, 1899.*

TESTIMONY OF MR. JOHN A. FINCH,

Mine operator, Cœur d'Alene district, Idaho.

The subcommission on mining met at 7.30 p. m., July 27, 1899, at Wallace, Idaho, Chairman Bell presiding. Mr. John A. Finch was sworn as a witness and testified as follows concerning labor troubles in the Cœur d'Alene mining district of Idaho:

Q. (By Mr. RATCHFORD.) Give your name, residence, and business.—A. John A. Finch; Spokane, Washington; mine owner and operator.

Q. To what extent are you interested here?—A. I am secretary and treasurer of the Standard Mining Company; this mine employs 200 men. I am vice-president and treasurer of the Hecla Mining Company, employing 40 men. I am president of the Cœur d'Alene Hardware Company and of the White & Bender Mercantile Company.

Q. And you have been operating in this valley how long?—A. Since 1887.

Q. Are the companies with which you are connected incorporated under the laws of the State of Idaho?—A. The Standard Mining Company and the Hecla Company are both incorporated under the laws of this State. I am connected with 2 or 3 other companies, but they are employing only a small number of men at this time—the Alhambra Company and the Sixteen to One.

Q. (By Mr. KENNEDY.) Is the Sixteen to One a Standard property?—A. No; we have not organized a company. It is a prospect at present. We are working only 8 or 9 men there. It does not belong to the Standard Company, but will be in a separate company when we get that far. We have not paid for the property yet; we have it under an option to purchase. I came here in the summer of 1887 with the expectation and intention of opening a mine. We opened what afterwards became the Gem mine, at Gem, toward Burke, and built a flume and tramway and well there and worked it since that time for a number of years.

So far as the labor situation is concerned, we never had any trouble here until the end of 1891. There were no unions formed here, as I remember it, until early in 1891. There was no ill feeling between the mine operators and the men working for them. We paid $3.50 per day for miners, $3 per day for carmen and shovelers, and $3 and $3.50 per day for mill men, and $4 and $4.50 per day for

carpenters and blacksmiths. In 1891 a number of our men at Gem and Burke concluded that they would form a union. We had no objection to that and did not offer any. Along toward the end of 1891 they demanded that we pay the shovelers and car men $3.50 per day, the same as the miners were getting. We refused to do it, and on the 1st of January, 1892, the mine owners agreed that in view of the demands of the men that all men be paid $3.50 per day we would shut down the mines, and they remained closed all that winter and spring. We had a number of conferences with the men and finally offered to make the pay to the shovelers and carmen $3.25 a day and miners and timbermen $3.50 per day, which was refused. They said the men must have $3.50 per day all around and nothing less would do. Well, in May we began to get in men from Lake Superior and other places, and we started our mine, the Gem mine, and were going along very successfully when, on the 5th of July, the Homestead riot occurred near Pittsburg. The success of the men who conducted it encouraged our men here to do the same thing.

On Sunday, the 10th of July, if I remember correctly, 2 of our nonunion men at Gem were paid off and brought down on a hand car. When the man returned who had brought them down he was set upon and beaten severely by union men, and the report was started that 2 union men had been killed at Gem by the scabs, and that night the union men poured into Gem and on the morning of the 11th of July they attacked the mine. They drew the water from the flume of the Frisco mine and mill, broke open the powder house belonging to the company and took therefrom some 200 pounds of dynamite, which they slid down the penstock or large pipe carrying water from the flume to the water wheels of the mill. After this had been done they put 2 or 3 sticks of giant powder in a sack, attached fuse and cap, and sent them down the same way. When it exploded it blew the mill and everything into kindling wood, and of 40-odd men in the mill three were killed and the rest scattered out like rabbits, and they were shot at and pounced upon by 400 union men who were waiting for them. Just how many were wounded I don't remember at the present time. The union forces then came down to the Gem mill, which our men had been defending, and began a war upon us; and a crowd of union miners then came to the Gem mill and demanded that our people who were defending the mill, some 50 of them, surrender to them. At first our men refused to do so. Some of the leading citizens of Wallace appearing at that time, a truce was finally agreed upon, under which the superintendent agreed to send the nonunion men out of the country and surrender their arms, and that we turn over the possession of the property to a committee of the union. These terms were carried out. The nonunion men were brought to Wallace and paid off the following morning. As soon as our mill, the Gem mill, had surrendered to the union forces about 400 men came down to Wallace and proceeded to Wardner, where they made an attack upon the Wardner mill and captured it, and also captured the town of Wardner and held possession of the town for 3 days, or until the troops came in. The superintendent of the Bunker Hill mine had in the meantime surrendered to the union, and had sent at least 280 of his nonunion men out of the country.

We paid off 140 of our Gem men on the morning of the 12th and they proceeded to the Mission in order to take the steamer on their way out of the country, arriving there at 2 p.m., and had to await the arrival of the steamer. At about 7 o'clock in the evening, while our nonunion men were resting upon the cars and in the train near the hotel, at the old Mission, two handcars suddenly appeared coming down the track upon which were some 15 to 18 men armed with rifles. Immediately upon arriving in front of the hotel at the Mission they stopped the hand cars and springing to the ground immediately began to fire right and left into the crowd of nonunion miners, who were waiting for the steamer to get out of the country. The nonunion men were unarmed, having delivered up their arms the day before. They scattered in every direction and a number of women and children took refuge in the train. Others ran into the bushes and some ran across a hay field or field of timothy. Some jumped in the river and hid under the wharf. The union miners pursued them right and left and robbed every man they overtook of every dollar. That is the absolute truth; they never missed one. After they had fully scattered the nonunion forces, darkness coming on, these men returned and went to the saloons at the Mission and spent the night in drinking whisky and carousing. There were no deputies here in the country to control them or to go down and learn how many nonunion men had been killed in this fusillade.

Some citizens of Wallace, at the request of the people, proceeded to the Mission. They found one man who had been shot through the lungs. The bullet entered

his back as he was going across the field near the hotel at the Mission. They found another man who was shot through the leg, and who laid in the brush two nights and a day. They gathered these 2 men up and brought them with a hand car to the hospital at Wallace, and they both recovered. The men they had scattered went into the mountains. The country was new and uninhabited. The distance from the Mission to Cœur d'Alene City, the next inhabited place, was 28 miles. Some of them got lost in the mountains and didn't turn up for several days, and there were 6 men that we never could account for. It never appeared whether they were killed and thrown in the river or whether they were burned up in several large fires that were made that night, or whether they simply got away and made their escape.

The troops came in on the 14th of July, I think, and the State authorities declared martial law. The troops were placed at Wardner, Wallace, Burke, and at Mullan to preserve the peace. A great many of the supposed leaders of the riot were arrested. They were tried, some of them at Boise City and some at Cœur d'Alene City, for contempt of court, and some were tried for other crimes. Judge Beatty, of the United States court, after a trial of some 28 of them at Boise City, sentenced, I think, 16 to serve terms varying from 4 to 8 months in the Boise prison. But they were considered as martyrs of the common cause, and were not kept in prison very closely. They were allowed the liberty of the prison and were allowed to go down town when they asked permission; served out their sentences in that way and were set free. Two were sentenced to the Detroit House of Correction for 2 years, I think; but there had been some flaw in the indictment and after they had just arrived there—probably they had been there 2 weeks—they were set free. The Tiger and Poorman mines in Burke, feeling that they were unable to contend longer with the union, entered into an agreement to pay $3.50 per day and acknowledge the unions and obey the orders of the unions. The other mines followed suit and agreed to recognize the unions and to pay union wages. In this way business and peace were gradually restored in the country.

During the troubles of 1892 a blacksmith named Kneebone, who worked for us at the Gem, was rather loud in asserting his independence and in stating that he was not under any union, and in that way incurred the enmity of some of the union members. In the summer of 1893, I think it was, between 20 and 30 men, about 2 o'clock in the afternoon, suddenly came down through the streets of Gem; they were seen by the people there; they were partly disguised; some had masks or had their coats turned inside out. They marched over to our lower tunnel at the Gem, and, as it happened, our superintendent, Mr. R. K. Neil, was coming out of the mine at that moment. They collared him and told him they were going in to drag out Doc. Roger and 6 other men who had been employed in the mine, and who were known to be nonunion men. They told him to bring the men out and he refused to do it. He told them they were at liberty to go in themselves and interview the men in the mine. After parleying with the superintendent a few minutes, our foreman, Mr. Crummer, came out, and they collared him also, and held these 2 men prisoners while 10 of the number marched up the trail to the next tunnel, to the blacksmith shop. The shop was open and Kneebone, with his helper, was busy over the anvil at the moment they appeared at the door. He looked up and saw the men standing there, with rifles in their hands, and he knew instantly what it meant; he knew they were after him. He dropped his hammer, jumped upon his forge and through an open window that was above his forge and out on the dump, and proceeded to run down the dump as fast as his legs could carry him. He had not advanced 20 steps when probably half a dozen of the men dropped back from the door of the blacksmith shop, aimed their rifles at him and riddled him with bullets, and he fell dead on the dump. There are 2 witnesses, now living in Spokane, who were there at the time this occurred. One of them, a very reputable man, who has since been secretary with British Columbia companies, was working as car man at the time, and happened to come out with a car of ore just as this occurred. After they killed Kneebone they descended to the lower tunnel, where the rest were holding Crummer and Neil prisoners. They said, "Follow us; we will teach you a lesson you won't forget." They thought they were going to be murdered. They went to the Gem mill and took our boss carpenter and another man away. Why these 2 men were taken we never could imagine. They were not known to be opposed to the union, were quiet men; and I have always thought they took them simply because they were handy to take and they wanted to have a sufficient number to make an example of.

They marched these 4 men through the streets of Gem and on up to Burke, passing many houses on the way, and through the town of Burke, and on up the

trail until about 5 o'clock in the afternoon, when they left them in the snow up on the range. When they got them there they made them kneel down and promise to never come back to the Cœur d'Alenes; told them if they did they would be killed on sight. Two of these men were in their shirt sleeves, and others in their vests. It was cold. They were in the snowy mountain and they didn't know what to do nor where to go, so they went into a deep gorge to build a fire and try to keep warm. When we heard of this occurrence at Wallace, I induced some friends of ours at Murray to go out to find these men and help them out. It took some time for them to get started, and it was about 12 miles to the summit. However, they went on, and about 1 o'clock in the morning they saw the camp fire of these men. They didn't know it was their camp fire, but they went up to it and found these men huddling around the camp fire trying to keep warm. They gathered them in and took them to Murray, and we took them out of the country. The carpenter came back to work at a union mill until he died. He never recovered from the effects of that trip. He was naturally inclined to be consumptive, and he contracted a bad cold and eventually it developed into consumption, and he died from consumption, which was, I think, the result of that trip.

After the Kneebone affair, his relatives and the county and the State and other people here united and made an offer, through the sheriff of the county, of a reward of $10,000 for the arrest and conviction of any one or more of the murderers of Kneebone. No one ever appeared to claim the reward, or to offer to claim it, or to say that they ever saw one of these men. One hundred and fifty, and perhaps 200 men saw them, and there were between 20 and 30 of them undoubtedly well known in the country there in the canyon, but so great was the dread and fear of the union that no one ever appeared or offered to claim that reward or say that they knew or had ever seen one of these men.

After this occurrence men were ordered out from time to time, and they usually went without saying much—came up and got their time and got out of the country—and so it continued year after year. A year ago last January, I think it was, a new mill superintendent was appointed to take charge of the Frisco mill. His name was Whitney and he came from Butte, Mont. He had worked in the concentrating mills at Butte and Anaconda and was a man of intelligence and good reputation. Soon after arriving he discharged 2 or 3 of the men who had been employed in the mill, and within a day or two after that he received a notice to leave the country.

Unlike many other men who had been receiving such notices and who had proceeded forthwith, he didn't go. Early in January some 20 men appeared at his cabin door at perhaps 9 or 10 o'clock at night, made him get up out of his bed and dress himself, took him out of his cabin, and then ordered him to march in front of this crowd. They took him down through the streets of Gem; people looking at them out of the doors and windows and seeing them going down, but no one made any attempt to interfere or even made any criticism. They marched him down the railway track toward Gem, and just below the town shot him in the back. He fell there and it was some time before anyone would go to pick him up. Finally he was picked up by some one coming up the track, carried to the town of Gem, and was brought to the hospital here at Wallace, and died within a week after that, I think. The governor of the State, his relatives in Butte, and the sheriff of the county, with some of the mine owners of the Cœur d'Alenes, and his relatives in other places offered a reward aggregating $17,500 for the arrest and conviction of any one or more of the murderers of Whitney. No one ever appeared or even attempted to claim the reward, and his murderers are unpunished, like those of Kneebone, to the present day.

Along some time late in October last year the night shift at the Standard mine were taking their midnight lunch in the dry house at the mouth of the tunnel just above the office of the company at Mace. There were some 50 men in the room. Suddenly the door opened and 2 men appeared. They glanced around the room a moment or two, or long enough to look at the number of men there, and finally marched up to where shift-boss Dan Conners was reclining upon one of the benches. He had eaten his midnight lunch and was resting until the time for going on shift again should arrive. These two men walked up to him and said "You follow us, we want to see you outside.' He answered, "What do you want?" They said, "You follow us and we will let you know outside." They drew their revolvers and he thought it was best to follow them and did so. Outside the door were two other men also armed with revolvers. They ordered him to march down past the engine room and down the track, insulting him continuously. Two of the men were somewhat the worse for liquor, and he was afraid every moment that they would carry out their threats and shoot him.

They made him kneel on the ground in the snow and beg their pardon. They slapped his hat over his head, rubbed their pistols on his neck, and in fact inflicted upon him every indignity they could think of. They finally told him they would give him 24 hours to leave the country and would spare his life upon condition that he would promise to go within that time. He said he had a wife and family and home and household effects at Gem and he could not get away within such a short time. They finally said that if he would get out within 3 days they would let him go. He agreed to go in 3 days. He sold his house and furniture for what he could get and left the country, and has never returned. He gave us the names of the men whom he thought were his assailants that night. Two of them were working in the mine. We discharged them, but we could not do any more than that. The other 2 were not working for us. We knew that any attempt at prosecution would be futile, as there were any number of people there who would have sworn the 2 men we had discharged were not at the mine that night, but were with them at other places. We found Mr. Conners a place at one of our mines in British Columbia, and he is now foreman of a mine in the Cascade Mountains. His is an illustration of the futility of trying to interfere with any case of that sort. There were some 50 men in that room at the time he was taken out. One of the men who was in there told me afterwards that not a man even went to the door to see what became of him. There was silence throughout the room until one of them, looking at his watch, said, "Well, I guess it is about time for us to go on shift," and they returned to the mine to their work and said nothing about it. And every man who was there at the time went back to work and saw nobody, and never knew anything of what had occurred.

The fact is, in that canyon in the last 5 years no man, whether he was a merchant, saloon keeper, miner, or in any other employment, has tried to even criticise mildly any act of the union. Whether it was an act of the union or not, nobody of course knows. But all of these offenses which I have named were supposed to be acts on the part of union men. Whether they were ordered by the union or not, I don't know, but the union never disavowed any of these acts, nor did it raise its voice as a union to discourage or denounce any of them, and so complete has been the tyranny in Canyon Creek for the past 5 or 6 years that no criticism has been indulged in by anyone regarding any acts supposed to have been ordered or authorized by the miners' union. Merchants knew that if they incurred the enmity of the union they would be boycotted and would have to leave the country. Saloon keepers were equally well aware of that fact, and they were all very careful to say nothing about the union to anyone; and a number of men who have worked for us here and whom I have afterwards met in British Columbia at various mines there have told me that they very seldom talked about the union among themselves, either in the boarding houses or elsewhere or in private conversation, for fear that the union would hear of it and they would get the union down on them and would be ordered to leave and they knew if ordered to leave they would have to do so or take the consequences.

We, of course, felt powerless to do anything to protect our men, and have borne whatever they have seen fit to inflict upon us or our men and have said nothing. We have tried to do everything they have asked of us if we could, and have gotten along as amicably with the officers of the union as we could. I verily believe the majority of the men belonging to the unions of the Cœur d'Alenes were good men. Many are men of more than ordinary education and intelligence and as good men as you can find among that class of people anywhere, but they were thoroughly in dread and fear of the union itself. They never tried to criticise even moderately any of its acts or orders. I don't believe that 20 per cent of the men who were on that train which went to Wardner knew what they were going there for. Some of them that I talked with in British Columbia last week at Rossland told me that they were informed that the men were going to Wardner to make a demonstration for the encouragement of the men there who were struggling with the Bunker Hill and Sullivan Company, and expected to go there and march up and down the street and then come back home. They informed me that when they got to the depot platform 300 or 400 of them stood around there and never went near the mill at all, and that about 100 went to the mill, and 100 were upon the flats and about the depot with various other people, among them the man Cheyne, who was shot, and other Bunker Hill employees. I think a majority of the men who work for us disapprove of all that was done there, but you never could get any of those who lived in this country to say so. I have only been able to get them to talk in Spokane or in British Columbia after they moved away from here, and then only in private.

As you have probably been informed, we shut down our mines here on the 12th of June, because many of our men were in the prison at Wardner Junction and because the other men who were out would not sign a permit or take out a permit from the State authorities. We, the mine owners, rather felt that the State authorities were severe in demanding that the men should take out a permit before they would be allowed to work, but the State authorities answered that a situation like this in the Cœur d'Alenes required drastic remedies. They ask of these men, as a prerequisite to obtaining a permit to work, a statement that they were not concerned in the riots of April 29 and that they did not approve of them, and that they believed in supporting the State authorities and law and order. That was all they asked. In other words, they simply demanded that the men should declare themselves good citizens, owing an allegiance to the State, before they would be allowed to go to work. I answered that many of the men in our employ were thoroughly in sympathy with law and order, and if they were not prevented by fear would take out permits. The State authorities, however, were very firm in the course they had taken at that time, from the belief that the miners' unions of the Cœur d'Alenes had proven time and again to be criminal organizations, and as such should not receive the countenance of the State officials. We therefore concluded to import men to operate our mines, and sent agents to California, Colorado, Lake Superior, and Missouri, and we have secured several hundred men, who are at work here.

Most of these men that came from Missouri have earned on the average of $3 per day, and paid $5 per week for their board there. We are paying them $3.50 per day, and they pay $7 per week for their board. They are naturally rather pleased with their situation here, and we hope to get the mines in this country operating to their full capacity again in probably 4 weeks' or 2 months' time. Personally I have no objection to union labor. I thoroughly believe in the right of men to organize for their mutual protection and benefit. But unionism in the Cœur d'Alenes has been more or less socialism and anarchy, tyranny and lawlessness, owing to the fact that many of the leaders—while some were undoubtedly good men, many of them have been hot-headed and unreliable and unwise. They have had supreme power. No one dared for a moment to question their power or even criticise their exercise of it. Of course, a great deal of destitution and want is now following as the result of the riots of April 29.

Several hundred of the men who were employed in the mines here, in our mines and other mines, are now wandering all over this country looking for jobs. I met a dozen of them in Rosslyn a week ago, begging me to get them work. I did get several of them work at the War Eagle mine. Their families are in more or less destitute circumstances. It may be said by some that the State authorities have been harsh in their measures here, but I don't think any of the good citizens who have some stake in this country believe that peace could have been restored here had any other measures than these been adopted by the State authorities. Without the presence of troops, men could not have been arrested here; there would have been fighting all along the line. Even if they had had deputy sheriffs, 40 or 50 of them, there would have been no attempt to arrest any of these men who were supposed to have been there on the 29th of April. The people here had become so firmly convinced that the Western Federation of Miners was the greatest and strongest institution in this country, if not in the world; that they thought there was no power in the whole United States that could oppose it successfully; and many of them still think that; and they think it is only a question of time when the good people will all be run out of this country and the Western Federation of Miners will again have supreme control; and many of the men, carpenters, millwrights, pump men, engineers, and others have been actuated by fear in refusing to take out permits from the State authorities as a prerequisite to obtaining work. They have told me so repeatedly. Many of the mechanics working for us here are just as good as you will find anywhere in any country and just as law-abiding citizens, but they are thoroughly in fear of this tyrannical organization which, for so long a time, had had supreme power in this county.

I think perhaps that is rather a long history of the case. If you gentleman would like to ask any questions based upon the statements I have made, I shall be very glad to answer them, so far as I can.

Q. (By Mr. RATCHFORD.) What is the commission to understand from the term "union wages?"—A. Three dollars and fifty cents per day for all men working under ground.

Q. How is that wage arrived at; is it an arbitrary rate fixed by the miners' union or the operators?—A. By the miners' union.

Q. Without consulting the employers?—A. Without consulting the employers. They established that rate in 1892. The fight at that time was over that question. Prior to that we had paid $3 per day for carmen and shovelers, $3.50 per day for miners and pumpmen, $4 per day for extra good timbermen, and $4 per day for blacksmiths. They demanded that all men working under ground should get $3.50 per day. We answered that carmen and shovelers were not skilled men, and that it merely required strength to push a car or handle a shovel and not skill, and that they were not, therefore, entitled to the same pay as the skilled miners. They answered that by saying that the carmen and shovelers took the same risk of life and limb as the miners in the mine and, therefore, were entitled to the same pay. We answered that the firemen upon the locomotive took exactly the same risk of life and limb as the engineer, but he did not expect to get work at the same wages; that men were paid the world over for skill rather than for mere brute force or strength, and that we thought $3.50 and $3 were good wages here, and we stood on that. They demanded $3.50 per day for all men under ground, and after the fight here in 1892 we conceded them that, and have since paid it; except the Bunker Hill and Sullivan Company; they stood out. They suspended operations about a year, and were idle, and claimed that their ore was so low grade that they could not make a reasonable profit upon their investment unless they could get carmen and shovelers at $2.50 per day and miners at $3 per day. They opened their mine, I think, in 1895 on that basis, and have worked at $2.50 and $3 per day since that time, until this trouble this spring. They were asked by a number of their men, who, I judge, were from the miners' union at Wardner, for an increase to $3.50 per day all around. After some controversy they agreed to pay $3 per day for carmen and shovelers and $3.50 for miners. This offer was refused by the union, and there was considerable contention between the union men and the nonunion men who had been at work, until the event of the 29th of April, when the Bunker Hill mill was blown up.

Q. Has it been the custom of the union, whenever a wage scale was changed, to agree upon the change themselves and then inform the employer of it, when they wanted to enforce it?—A. I think I may say that is true.

Q. Is it true, as regards the hours of labor and other conditions of employment, that they change to any extent?—A. They have not been changed to any extent; but whenever they see fit to do anything, they do it without any question.

Q. Prior to the formation of the union how were the wages fixed; by the employer or the miners?—A. By the employer. The employer fixed the wages before that time.

Q. Is it not probable that this action of the union, of the miners fixing their own wage scale without consulting their employers, arose from the fact that the employer fixed it without consulting them prior to the formation of the union?—A. Perhaps that is true.

Q. Would it not be infinitely better in each case, where wages go up and down, for each side to meet by their representatives in a spirit of fairness and discuss the matter and arrive at some conclusion that would be satisfactory and just and equitable to both sides, so far as possible?—A. Undoubtedly that would be very desirable indeed. It is the only right way to settle disputes of that sort.

Q. The union that would propose that, follow that rule—would it, in your judgment, receive recognition, consideration, and respect from the employers of the Cœur d'Alenes?—A. Yes; it would. We would be rather better pleased to have a good union among us here, among our men, than to have all nonunion men. That is the way I feel about it, for the reason that we could then talk with the leaders and arrive at some conclusion as to all points that might arise from time to time between the employer and employee.

Q. Is it your opinion, where either side has the power to fix the scale of wages and other conditions in and around a mine, that it is liable to be done without taking into account carefully the interest of the other side—that is to say, you can assume if one side or the other has the power to enforce a certain scale of wages that that scale would be unjust to the other side?—A. I think in all human affairs there should be two sides, and that there are bound to be two sides to every dispute between labor and capital, and that both sides should have fair consideration. Both sides usually think better of the other after having a fair and just discussion of the subjects of dispute, and after hearing both sides each side offers to throw out something or change the stand he has taken. It is a very good thing to have free and open discussion. We have, therefore, proposed arbitration, because in many cases it would do a great deal of good by bringing both sides together. Where employers have full arbitrary power, some of them are apt to exercise it unjustly, and where the employees have supreme power they are apt

to use it unjustly and unfairly, and it is desirable always to have the two powers, if possible, controlled in some way by a board of arbitration under State authority. I am, of course, aware of how difficult it is to enforce any decision of a board of arbitration. On the one hand it is impossible to make the men work if they don't like the decision, and on the other hand it is hard to make the employers throw open their mines and mills if they don't like it. But a board of arbitration might, in bringing the two sides together, cause a better feeling between them and bring about an adjustment. It will, of course, not always result in that way, but often it will.

Q. Is it not your opinion that where the proper feeling exists on both sides, with discussion and conciliation, each making an honest effort to bring about an adjustment of each and every dispute—that such disputes are usually adjusted without resort to arbitration?—A. Yes; usually they are. Undoubtedly the trouble is in most cases that one side or the other is more or less arbitrary.

Q. In your testimony you spoke of discharging 2 men for certain reasons. Was there any resistance offered by the union against the discharge of these men?—A. There was not.

Q. Yet you have had many members of it state to you that the crime for which they were discharged was not committed by them—that is, was not committed by these men?—A. Yes.

Q. Is that the rule of the unions here, to allow their men to be discharged without learning the cause for which they are discharged and ascertaining as to whether or not it is correct and well placed?—A. I think not. The union always hears the complaint of the man who has been discharged, if he wishes to make a complaint to the union. They usually investigate the complaints of that sort, and if they find that a man has been unjustly treated they usually go to the foreman of the mine and demand a remedy, and if the man has not been paid his original wage they do the same thing. We have usually adjusted any little differences without any trouble.

Q. Do you believe that where a man is charged with having committed some wrong or violated some rule that will, in the judgment of the manager, merit his discharge—do you believe that such a man ought to have a hearing before he is discharged by the representatives of the company as well as the miners' union?—A. Yes; I think if a man has been wrongfully discharged, or thinks he has been wrongfully discharged, he has a right to apply to those a little higher in authority than the shift boss who discharged him; and if it appears that it was purely a personal matter and not because of any neglect of his work, I think he should be reinstated.

Q. In other words, you believe a man should be found guilty before he is punished?—A. Yes. As a rule, I think, especially in this country, shift bosses have been loath to discharge a man without some cause. Of course they are human and they may often make an error in their estimation of a man and how he is working. But there can be no reason why a shift boss should discharge a man if he was doing his work, unless there was some personal reason between them.

Q. You spoke of a large number of men who went to Wardner that day and who, according to your statement, went there for a very different purpose than the purpose which was accomplished. Is it your opinion that if these men knew the real cause of their visit there that they would have gone?—A. I think a great many of them would have remained away if they had known what was going to be the result of it; they had no stomach for it; they didn't want to be in it. It is hard to tell, of course, just what percentage of them would have hidden away. They would have had to go if they had remained in sight, because the men who were managing the affair permitted no one to escape that they knew. They sent notices the night before that the morning shift was not to go to work, and none of our men at the Standard were at work that day. Ninety-five per cent of our men were away. Instead of coming out in their mining clothes in the morning, they were dressed up more or less, which showed that they must have been notified the night before or they would not have known of it.

Q. The men were not allowed to exercise their own discretion whether they would go or stay?—A. They certainly were not. They were ordered to go, and they had to go, and they knew it.

Q. Would you give it as your belief and opinion that a very large majority of the miners of the Cœur d'Alenes are law abiding?—A. I believe a large majority of them, if left to their own judgment and without coercion and bad leaders, would be law abiding; decidedly I do. I have known some of them many years, and I believe them very excellent men. They were thoroughly under the control

of the leaders and were prepared to do anything they could do, because they knew they had to do it, and they knew it well.

Q. You spoke of your Gem mill being defended by some one; was it defended by your workmen or was it defended by deputies or troops?—A. During the riot of 1892 our Gem mill was defended by John Monahany, our foreman at that time, and by a number of the miners and by a number of the mill men, and a number of hired deputies—some 45 in number.

Q. The men who were engaged in working at your mine at that time were non-union men, were they?—A. Yes.

Q. And the same at your mills?—A. Yes.

Q. Was there anything done by these men at that time to incite this trouble that you are aware of?—A. There was not; no.

Q. (By Mr. MANTLE.) What was the alleged cause of running Conners out of the country? Of what had he been guilty? Too hard on the men?—A. That is all we could hear, anyway. I think the truth was, although we had no strong evidence of the fact, that it was because of some personal grudge on the part of the men who ran him out; and they took that means of gratifying it. I don't think the union, as a union, had anything to do with it, but instead of disavowing any connection with it, and instead of doing something to investigate the charge, they let the matter pass, and it was charged to the union. Of course, that increased the dread of the people here of its power. The complaint against Whitney was of the same character—hard on the men. He had discharged 2 or 3 men. I don't know that any complaint was made about that, but they just concluded they didn't like him there and would run him out.

Q. It was never ascertained by any inquiry here whether it was the miners' union that ran him out?—A. No; it is unknown who the guilty parties were.

Q. How many men were working at your mine and mill on April 29 last?—A. I don't just remember, but I have a list here of those who were working and those who were not on that day. We had shut down on the 28th, and in the mine there were hardly any men working but what would have been working in any event that day. The outside men were generally employed—engineers, machinists, timbermen at the sawmill, sawmill men, etc. It would hardly be a fair statement for me to say just how many men were not at work, because they would not have been at work, anyway. So I have no means of telling how many men took the train down there that day.

Q. Were you at the mine on that day?—A. No. All that I have told you, or a large part of what I have told you, has not been of my own seeing. I was at Spokane that day.

Q. They were matters of common report?—A. Matters of common report and of my own knowledge, confirmed in many cases by the testimony of many different men. All that I have told you I firmly believe to be true, and what I have told you not of my own knowledge I believe to be true on the evidence of many credible witnesses.

Q. You spoke of the permits, and in that connection I believe you expressed the opinion that the State authorities had been unnecessarily harsh?—A. I was at first inclined to think so.

Q. What is your opinion now?—A. I think they have acted right.

Q. You have changed your opinion?—A. I have changed my opinion, on the representation of the State authorities, about two or three things. I knew a great many of our men were good men, and I thought they should allow them to return to work without requiring them to subscribe to this sworn statement as to their whereabouts on that day.

Q. Do you think it would have been a sufficient test to have required that the men should not have participated in that riot, and that he does not countenance or believe in force, and that he does not approve of the labor union pursuing that sort of policy?—A. I think, perhaps, that would have been far enough, and I made that statement, I think, on one occasion, to some of the State officials, and they answered that in their opinion the miners' union of the Cœur d'Alenes had proven beyond any reasonable doubt that it was a criminal organization; that they were ready for crime of any sort as organizations, and that they must therefore demand that the men sever their connection with these criminal organizations, which were simply masked under the name of miners' unions. They said they must stick to this demand and never allow any man to work here who had belonged to these organizations until he had first disavowed his allegiance to them and expressed his disapproval of the criminal acts these organizations had done.

Q. Has there been any legal inquiry in any court of justice anywhere or before any tribunal in which these miners' unions have been proven to be criminal organizations, or is the conclusion arrived at from the general condition which has

existed and which you have told about and dwelt upon here at some length?—A. No court of competent jurisdiction has had any opportunity to inquire into the case of the miners' unions, nor have they inquired. But the conclusion has been reached by what many people know about the circumstances and the situation.

Q. You have expressed the opinion that a large majority of the membership of the miners' union are law-abiding men—good men, I think, you expressed it?—A. Law-abiding naturally; but if led by bad leaders, by unfair representations, and being more or less uneducated and more or less incapable of judging for themselves—by all of these things they cease to be law-abiding citizens and follow their leaders, because they are sworn to do so. If left alone they would naturally be good citizens.

Q. And you are now firmly convinced upon consideration of the matter that a test which would have permitted these members who did not participate in the raid on April 29 to return to work would not have been effective and would not have answered the purpose; it would not have resulted in restoring order and securing justice to all concerned?—A. No; it would not have secured peace and justice in this county. That is, of course, my opinion merely.

Q. I have had occasion once before to call attention to the terms of the proclamation and the terms upon which those permits are allowed. I don't know whether you noticed it or not, but it seems to me that the application for the permit exceeded the requirements of the proclamation itself. I will read you what I have reference to. (Reads from copy of proclamation of May 8, 1899:)

"Parties applying for such permits must be prepared, first, to deny all participation in the riots of April 29, 1899; second, to deny or renounce membership in any society which has incited, encouraged, or approved of said riots or other violation of the public law."

And each applicant is required to sign. [Reads:]

"I did not participate actively or otherwise in the riots which took place at Wardner on the 29th of April, 1899. Believing that the crimes committed at Wardner on said date were actively incited, encouraged, and perpetrated by means of the influence and direction of the miners' union of the Cœur d'Alenes."

Q. So that the applicant in this case is required to find a verdict against his union?—A. Yes.

Q. He must say he believes that it was actively incited by the miners' union of the Cœur d'Alenes?—A. Yes.

Q. Whereas in the proclamation it simply says that he must renounce membership in any society which has incited, etc., and it occurred to me that the application for a permit went further than the proclamation itself. I would like to know whether or not, in your judgment, the application is not a pretty severe test?—A. I have stated to the State authorities that I thought their requirements rather severe, in that they made a demand that the men disavow their allegiance to the miners' unions here, and say that they believe the unions to be criminal, whether they have been proven so or not. The State authorities answered that such riots and occurrences as took place here on the 29th of April, wholesale destruction of property, capturing a train, murdering 2 men, and the outrageous and tyrannical action of the miners' unions, made it necessary for them to apply drastic measures, and they felt that there must be a complete change in the men in this county; and while they didn't expect a complete change in all the people of the county, they thought there should be a lot of new people brought in to leaven the minds and belief that existed here. You gentlemen who live far away can hardly imagine the situation that has existed here. Such a thing as enforcing the law has been very unusual, to say the least. Everybody acknowledged the complete and absolute sway of the miners' unions; and any act which they didn't disavow it was thought met their approval, and therefore nobody tried to criticise very much even the murder of Kneebone and the murder of Whitney. It seemed to be understood that they better not talk about it too much.

Q. Has there been any denunciation of the riots of April 29 on the part of the members of the miners' union; any public comment in this region at all by the miners' union?—A. No; no public disapproval except through the organ that is supposed to represent them and their views. I think their paper here, the Tribune, has repeatedly denounced the occurrence of that day as criminal and wrong.

Q. The effect of this permit order must necessarily be, if continued in force, to destroy the miners' unions as they now exist here, and to drive the members out of this district, must it not?—A. It will undoubtedly, unless they subscribe to it—if they fail to disapprove of these acts and express their belief that these acts are criminal. If they believe that the acts are criminal and disapprove of them, then they can have no objection to signing the application.

Q. They don't require the application without they belong to the miners' union?—A. Yes; outside men have to sign another paper.

Q. So that the effect will be to destroy the miners' union and compel the members to go somewhere else?—A. That would be the effect of it; yes. Of course if they believe the miners' union was responsible for those acts, they would be perfectly justified in saying so in these words, and if they do, that they can secure work here. It is only by expressing their belief that the organization is a criminal organization that they can now obtain work.

Q. In your judgment could order have been restored after the riot of April 29, unless a call for the military was made by the governor?—A. I think order was restored that night, and if they had undertaken to arrest any of these men, it might not have been necessary for the military; but they neglected it just as they did in other cases; they let them go and said nothing; let them go scott free.

Q. And arrest means banishment, of course?—A. If that is what it means, then of course there was no other course under heaven to restore order here, or peace, except by the introduction of the troops of the United States, because the State troops, I think, are in the Philippine Islands.

Q. And there were no State troops available?—A. No.

Q. Could or would vigorous action upon the part of local authorities in this county, in your judgment, have prevented the riot?—A. I believe that vigorous action on the part of the sheriff and the county commissioners, vigorous and determined action, would have prevented the riots on that day. By that I mean, if they had sworn in deputies known to be law and order people, citizens of good standing here; if they had sworn in a sufficient number of deputies, I believe they could have prevented that riot.

Q. In consideration of the conditions which you have portrayed as existing in this district, would it have been possible for the sheriff and the county commissioners to have secured a sufficient number of people, not controlled, as you have stated here, by these labor organizations?—A. It would have been difficult to do much in this part of the county. They might have secured quite a number from the southern end of the county, far removed from here. I doubt if they could have secured a sufficient number in this end of the county to have contended with the vast number of men who went there. Of course, it is not so much the vast numbers there as the power they would have shown and what they would have undertaken. A great many of the men there simply went to swell the crowd, and stood around the depot and took no active part in the riots. There were probably 300 or 400 men who stood around the depot. You understand I don't know any of these things of my own knowledge; simply what I have learned.

Q. It is said that great numbers of men have been unnecessarily arrested and incarcerated in the bull pen, so called, and that they have been kept there unnecessarily, without charges preferred against them in any way, and that it has amounted to persecution. Do you know anything bearing upon that?—A. While it is rather hard for me to form any definite impression or any definite opinion as to how much injustice has been done, that some injustice has been done it may be taken for granted; but it was unavoidable under the circumstances. There were 800 or 900 men on that train that morning, and while they were not all engaged, actively, in the blowing up of the mill or the killing of anybody, they were there, and it was a very difficult matter to know what to do under such a terrible situation, and the State authorities were confronted by these unusual conditions, to say the least, and it seemed to them, I suppose, that the only thing that could be done was to arrest all of these men so far as they could do so, and of course they may have arrested many of those who had not been upon the train that day; but they thought and believed that they were justified in doing so from the fact that the men belonged to the organizations.

Q. Strikes, lockouts, and boycotts must necessarily result in a great deal of injustice and suffering on the part of the miners?—A. That is unavoidable and inevitable, and an occurrence of this magnitude must necessarily result in a great deal of injustice to some one. These men will not tell who are the ringleaders. They are sworn members of the organizations, and they know it would be as much as their lives are worth to tell whatever they may know. They have endeavored, all of them, to refrain from telling anything, and this is particularly due to fear on the part of many of them. They knew that they would be known as informing witnesses in these cases against the union, and that they would be hounded out of every camp where the Western Federation of Miners is a power in this western country, and that they could not obtain employment anywhere, and that their lives would not be safe anywhere; and they were so firmly imbued with that idea and belief that they would not tell the State authorities, and will not do so now, who the real ringleaders and the guilty parties are; and on that account the State authorities have had to hold a great many of them. They have endeavored to and have liberated several hundred of them, and would like to liberate a great many more

if they knew just who to liberate. I have no doubt from talks I have had with them that they feel the injustice that is being inflicted upon some of these men, and would be only too glad if there was some way of avoiding the continuance of that injustice. They have so expressed themselves to me and to others many times. They have no wish to do any injustice to anyone. They say, "How would it profit us to do injustice? We simply desire that crime shall be punished, and we desire to arrive at a conviction of the criminals as speedily as possible. The circumstances are difficult and unusual, and we must do the best we can under such circumstances." They meet every argument with remarks of that sort.

Q. (By Mr. KENNEDY.) You stated that the members of the union were sworn to follow their leaders. That is something unusual in labor organizations. In labor organizations of which I have knowledge they rule by majorities, and sometimes by a three-fourths majority, and are not sworn to follow their leaders. Do you know that they are sworn to follow their leaders in the unions here?—A. I can only answer that by stating that what little I know about the organizations here is what I have been told. The miners' unions of the Cœur d'Alenes are controlled by what is called the central union, representing the unions at Burke, Gem, Mullan, etc.; just what the powers of the central union are I don't know; I can not say definitely, because I don't know; but that the central union has a very large power I have no doubt from occurrences that have taken place, and so far as I have been able to learn of the procedure in the unions here a few men run the whole machine. A majority of the men in the halls during the meetings had nothing to say; a majority of them never opened their mouths during the meetings; a few did all the work and ran the whole thing. The central union was composed of 2 delegates from each of the other unions, as I understand it, and it held its meetings when and where it chose. I am stating this without actual, positive knowledge, but these matters are well known here and you can satisfy yourselves from other witnesses who perhaps may know more accurately than I do the exact machinery of the unions.

I don't think that any fair-minded man, knowing the occurrences that have taken place here during the past several years, would doubt that the members of every union in the Cœur d'Alenes would obey the orders of their leaders. Many of them I have known would readily sign this permit application, and were ready to do so, but they waited until the president of the Western Federation of Miners had been heard from, and he ordered them not to do it, and they have refrained from taking out permits, many of them, because of this order, and he is simply the president of the federation, and has no connection with the unions here. You can therefore imagine how much more absolute and peremptory would be the power of the leaders living here, and directly connected with the central union here, when they obey so implicitly the orders of the chief of the Western Federation of Miners.

Q. You say that a few men make all the motions and control the deliberations of the miners' union. Are they any different in that respect from other organizations of men—political organizations, fraternal and legislative bodies, etc.? Don't a few control in all of these bodies?—A. It is of course true that in all large bodies, political, social, or fraternal, a few men do all the business, put the motions, etc., but I think so far as that is concerned that is perhaps a good deal more true of our organizations here, from what I can learn from various members with whom I have talked, than is generally the case. You must understand I know nothing of my own knowledge, only from what I have been told. I have never been a member and was never admitted to their halls during their meetings.

Q. You don't testify, then, of your own knowledge that the men are sworn to follow their leaders, do you?—A. I don't; no.

Q. Are your companies independent of any consolidations that have recently taken place in your industry?—A. Yes; we are as we have been for several years. We are not consolidated directly or indirectly with anybody, and we owe no allegiance or duties to anybody outside of our own companies. We have been in existence some 9 or 10 years.

Q. The Standard Oil Company is not interested in your company, and has no control in its affairs, has it?—A. No; none whatever. The reason we call one of our companies the Standard company was because one of the claims under which the greater part of the mine extends was called the Standard claim. Another was the Banner claim. We named the company after the Standard claim, as it seemed to be the chief claim, in value, of the group.

Q. Have you any knowledge as to whether the Standard Oil Company has a controlling interest or any interest in any of the mining properties in this district?—A. To the best of my knowledge and belief they have no connection, directly or

indirectly, with any company operating in this country. I know that in various speeches of labor leaders they have stated the Bunker Hill was a Standard Oil corporation, owned and controlled by the Standard Oil Company, either as a company or by individuals belonging to the Standard Oil Company, and on one occasion, not knowing but there might be some truth in that, I asked Mr. Bradley, the president of the Bunker Hill Company, if there was any truth in the statement that was going the rounds that the Standard Oil Company magnates held some stock in the Bunker Hill Company, and he told me there was no truth in it whatever; that they never had owned any stock in the business to the best of his knowledge and belief, and he is in a position to know whether the Standard Oil Company magnates were interested in his company or not.

WALLACE, IDAHO, *July 28, 1899.*

TESTIMONY OF MR. CHARLES A. ERVIN,

Deputy clerk of the district court of Shoshone County, Idaho.

The subcommission on mining met at 9 a. m., July 28, 1899, at Wallace, Idaho, Chairman Bell presiding. The witness, Charles A. Ervin being duly sworn, testified as follows concerning the decision of the district court of the first judicial district of the State of Idaho in the matter of an information for the removal of certain county officers for neglect of duty in connection with the labor troubles in the Cœur d'Alene mining district of Idaho:

Q. (By Representative BELL.) What is your business, Mr. Ervin?—A. Deputy clerk of the district court of Shoshone County, Idaho.

Q. Do you reside here?—A. Yes.

Q. Did you have a trial in the district court of this district sitting in and for this county involving the right of the county commissioners and sheriff to hold their respective offices, recently?—A. We did.

Q. Have you a copy of the opinion of the court in that case?—A. Yes.

Q. The original is on file, is it?—A. No; the opinion is not on file in either case; simply an opinion in writing delivered by the court.

Q. You have a copy of the opinion of the court as delivered in this case?—A. I submit a copy I wrote from the original.

Q. Is the judgment based on that opinion in full force?—A. The judgment is based on that opinion.

Q. In this county?—A. Yes.

Q. The same judgment applies to both cases, based on the same reasons?—A. Yes. The judgment has been entered in both cases.

Q. (By Mr. RATCHFORD.) Are all the charges against the officers contained in that paper as given to the court?—A. I am sure I have never read this paper; only what I heard the judge read himself. Each specification is mentioned in this opinion, and he ruled on each one.

Q. Now, these officers were ousted and new officers have been appointed?—A. Yes.

Q. And are now acting?—A. Yes.

(The copy of the decision above described is as follows:)

In the district court of the first judicial district of the State of Idaho, in and for Shoshone County. Samuel H. Hays, plaintiff, *v.* Moses S. Simmons, William Boyle, and William R. Stimson, members of the board of county commissioners of Shoshone County, Idaho, defendants; and Samuel H. Hays, plaintiff, *v.* James D. Young, sheriff of Shoshone County, Idaho, defendant.

These two cases are both founded upon Revised Statutes 7459, and will be disposed of together, inasmuch as the facts alleged against the defendant Young are also alleged with others against the defendants Simmons, Boyle, and Stimson, and the principles governing both cases are alike.

The information filed in this court against said defendants charges each of them, in their official capacity, with having willfully, knowingly, and corruptly failed, neglected, and refused to perform the official duties pertaining to their respective offices.

The specifications of official neglect of duty alleged against the defendant commissioners consists:

(*a*) In a failure to meet at the county seat of Shoshone County on the second Monday of January, 1899, as required by law.

(*b*) In failing to make a list of jurors as required by law,
(*c*) In approving an insufficient bond of the sheriff.
(*d*) In approving an insufficient bond of the tax collector.
(*e*) In approving an insufficient bond of the assessor.
(*f*) In approving an insufficient bond of the treasurer.
(*g*, *h*, *i*) In allowing and paying to the sheriff commissions on money by him collected for State and county licenses.
(*j*) In approving and paying a bill of the sheriff for bringing 5 prisoners from Murray to Wallace.
(*k*) In permitting liquor licenses to be issued without application therefor or bonds being required.
(*n*) In failing to take proper steps to prevent and suppress a riot which, it is alleged, occurred in said county on April 29, 1899.

The specifications of official neglect of duty alleged against the defendant sheriff consists:

(*a*) In neglecting to intercept or arrest persons alleged to have destroyed certain property belonging to the Bunker Hill and Sullivan Mining and Concentrating Company at Kellogg, in this county, on April 29, 1899.
(*b*) In neglecting to take proper steps to prevent and suppress a riot which, it is alleged, occurred in said county on April 29, 1899.

The defendant commissioners, answering specifications *a* and *b*, deny the same and as justification allege that an election was held in said county in November, 1898, to determine the county seat of said county; that at such election Wallace was selected as the future county seat; that on the second Monday of January, 1899—the time for holding the first meeting of said board—the records and officers of said county were at Murray; that a suitable building had not been provided at Wallace, and no vault or proper receptacle for the preservation of the county records had been provided at Wallace; that all the county business of said county was being transacted at Murray, the former county seat, and that the outgoing county attorney, C. W. Beale, informed the board that it was proper to hold said first meeting at such former county seat, and that in so holding the said meeting, at which time the jury list was by them made, they acted honestly and in good faith and under legal advice.

In answer to specifications *c*, *d*, *e*, and *f*, they deny the allegations and allege the qualifications of the sureties upon the bonds approved, and as justification allege that such bonds were submitted to the county attorney, who advised them that the same were good and sufficient and in accordance with law, and that in the approval of such bonds they acted judicially.

In answer to specifications *g*, *h*, and *i*, the defendants deny that in approving the account of the sheriff for commissions on the collection of moneys for State and county licenses they acted knowingly, willfully, or corruptly, and allege that in approving such account they acted judicially.

In answer to specification *j*, the defendants deny that they knowingly, willfully, or corruptly approved the account of the sheriff for bringing 5 prisoners from Murray to Wallace, and allege that in approving the same they acted judicially.

In answer to specification *k*, the defendants deny that they knowingly, willfully, or corruptly, or at all, permitted licenses for the sale of liquors to be issued, and deny that they knowingly, willfully, or corruptly, or at all, permitted said licenses to be issued without application or bond, as required by law.

In answer to specification *n*, the defendants deny that they had any information of a contemplated riot, and deny that they knew that the sheriff of said county had failed to take proper precaution, or any precaution, to prevent the same, and deny that they knowingly, willfully, or corruptly failed, neglected, or refused to supervise the official conduct of said sheriff, and deny that, owing to the neglect of said sheriff or of these defendants, a riot occurred in the town of Kellogg on April 29, 1899, and allege that said board were not informed that a riot would take place at that place, or any other place, and deny that they had power or authority to direct the sheriff, or had control over the sheriff, or that they were in session, or could have acted in the premises.

Defendants affirmatively allege in answer to the information as a whole that each and every act, matter, and thing charged in said information, if done by the defendants, was done in the honest belief that they were honestly discharging the duties of their said offices, and that they have, to the best of their ability, in all their official acts, acted honestly and without corrupt or improper motive, and, as they believed, in pursuance of the law and for the best interests of the county of Shoshone and the people thereof, and without benefit to themselves.

The defendant Young, as answer to the information, admits the destruction of the property of the Bunker Hill and Sullivan Mining and Concentrating Company

on April 29, 1899, and denies that he neglected or refused to interfere, or arrest, any of the parties destroying said property, and denies that he connived or assisted in the destruction of said property, and denies that during said destruction 2 persons were killed and murdered.

The defendant, further answering, denies that armed men proceeded to the town of Kellogg for the purpose of destroying property and for the purpose of assaulting, maltreating, or driving out of said mines the employees of the Bunker Hill and Sullivan Mining and Concentrating Company, and denies that he had any knowledge of the purpose of said armed men, or that any trouble was likely to occur, and denies that he neglected, knowingly, willfully, or corruptly, to take proper steps to prevent said disturbance or protect property or employees, and denies that such armed persons killed or murdered the alleged John Schmidt or James Cheyne, and denies that he neglected or refused, knowingly, willfully, or corruptly, to take steps or do anything looking to the arrest or detention of the persons engaged in the violation of law as alleged in the information.

And alleges that in all matters in relation to the difficulties of April 29 he endeavored to discharge the duties of his office faithfully and honestly and to the best of his ability.

These answers of the defendants present two issues for decision—first, did the defendants neglect to perform their official duties; second, if so, were they justified in their acts?

The proceeding under section 7459 for the removal of public officers is not a criminal proceeding. It is purely a statutory proceeding, and to the statute we must look to ascertain what is required to sustain the information brought under this section.

As applicable to the allegations in the two informations in these cases, we find that section 7459 provides: "That when an information in writing, verified by the oath of any person, is presented to the district court, alleging that any officer within the jurisdiction of the court has refused or neglected to perform the official duties pertaining to his office, the court must cite the party charged to appear before the court and proceed to hear in a summary manner the information and evidence offered in support of the same and the answer and evidence by the party informed against." It will thus be seen that the statute requires the plaintiff to show that the defendant has refused or neglected to perform the official duties pertaining to his office.

The powers of the board of county commissioners in this State are statutory and limited, and such board can exercise only those powers granted to them by statute, and when the defendants accepted the office of county commissioner it was their duty to familiarize themselves with the power conferred upon them by the laws of this State, and without such effort on their part they themselves would show their unfitness and incompetency to hold such public office.

The board of county commissioners is the financial and business agent of the county. They have supervision over all county officers and have full power to do and perform all acts and things which may be necessary to the full discharge of the duties of the chief executive authority of the county government. They hold their office under the law and are bound by the law.

Ignorance of the law will not excuse a person from obeying its commands, and especially is this true of a public officer whose duties and powers are purely statutory.

It would be a dangerous doctrine for this court to lend judicial sanction to misconduct in office because some other officer has established a rule of action of his own without the sanction of law and in utter disregard of its provisions. Section 7459 fixes the duty of the court, and it is that if the charge be sustained, and in this case if the evidence prove, that the defendants have refused or neglected to perform the official duties pertaining to their respective offices, as specified, then a decree should be entered depriving such persons of their office. It is not a question of intent, but a failure or neglect to perform the duties imposed by law upon such officers. There are no words of qualification in the statute, and in the absence of such words the court has no power to supply them. It is alike the duty of the court to obey this legislative command as it was the duty of the defendants to perform their official duties.

Public officers ought to be qualified for the duties of the office which they accept, and at least ought to show some disposition to familiarize themselves with those duties.

Neglect in the sense of this statute is a failure to do what is required, and may result from a corrupt motive or incompetency.

By this act the legislature did not contemplate the removal of an officer for slight or trivial neglect of official duty, but did intend that when the acts disclose

a failure to perform a duty strictly imposed by law, and that such duty is of such a character that the officer must know his official obligation, then a neglect to perform forfeits the right to such office.

In view of these general principles, let us examine the charges and evidence offered in support thereof:

The pleadings admit and the evidence proves that the commissioners met at Murray, in this county, in regular session on January 9, 1899.

Revised Statutes, section 1755, provides that the regular meetings of the board of commissioners must be held at their respective county seats on the second Mondays in January, April, July, and October of each year.

An election was held in Shoshone County in November, 1898, for removal of the county seat. On November 18, 1898, the board of canvassers canvassed the vote and recorded the same and made the certificate required by section 127, Laws of 1891, page 96, showing 2,471 votes in favor of removing the county seat and 864 votes against. This certificate was filed on November 18, 1898, and was published first on December 3, 1898.

Section 128 of this act provides that the county seat is removed when these acts have been performed by the board of canvassers.

It is evident that the board whose terms expired on January 9, 1899, should have made all necessary provisions for the removal of the county records and offices from Murray to Wallace. They did not do so, and when the defendant commissioners came into office they found all county records and offices still at Murray and no provisions made for either records or offices at Wallace, the new county seat. To qualify it was necessary for the defendant commissioners to go to Murray, organize and hold a session, and take the necessary steps to carry out the will of the people in transferring offices and records from Murray to Wallace. At this session a jury list was made by the board. Under section 3947 of Revised Statutes this jury list could have been prepared at a subsequent meeting of the board, but the fact that a list was prepared at a session of the board necessary for them to hold and at a time when all records from which such list was prepared was at Murray certainly could not be adjudged such neglect of official duty as is contemplated by section 7459.

Specifications *c*, *d*, and *f* may be considered together, as all relate to the approval of the bonds of the sheriff, tax collector, assessor, and treasurer. No evidence has been offered in relation to the bond of the treasurer, and this specification will be dismissed.

Revised Statutes, sections 392 and 1759, require that all bonds of county officers shall be approved by the board of county commissioners. Section 397 of the Revised Statutes was enacted and approved January 5, 1887. This section requires the justification of sureties, and provides that a bond shall not be accepted or approved until such justification be made. In 1887 section 396 of the Revised Statutes was enacted, which provides that no person shall be accepted as surety on an official bond except he shall during the year immediately preceding have been assessed and paid taxes, in his own right, upon property to the amount for which he becomes surety.

If the county commissioners approve the bonds in question in the light of the law, then this section must have been before them. In fact it was before them and could be their only guide. It was made for the protection of the public and in order that the property of a surety might be free and unencumbered by a prior tax lien.

Let us examine these bonds as the law required the county commissioners to examine them.

Upon the sheriff's bond there are twenty-two sureties, qualifying in the aggregate amount of $31,000. Of these six were delinquent in their taxes at the time they signed the bond and qualified in the sum of $6,000. Two sureties qualifying in the sum of $1,000 each do not appear upon the assessment roll. Two sureties, one qualifying for $1,000 and the other for $500, were assessed for much less than they qualified for. This leaves 12 bondsmen presumably qualified in the sum of $12,000.

Revised Statutes, section 1838, subdivision 4, fixes the bond of the sheriff at $10,000. Revised Statutes, section 398, provides that when the penal sum of any bond required to be given amounts to more than $1,000 the sureties may become severally liable for portions of not less than $500 thereof, making in the aggregate at least two sureties for the whole penal sum.

We find, then, the bond of the sheriff for $10,000, approved and accepted by the board with twelve qualified sureties who justify and obligate themselves in the sum of $12,000. Instead of making in the aggregate at least two sureties for the whole penal sum as the law required, we find but little more than one. Instead

of a security of $20,000, as the law requires, we find the sheriff's bond approved by the commissioners with a security of $12,000.

Upon the assessor's bond there are twenty sureties qualifying in the aggregate amount of $11,500. Of these, seven were delinquent in their taxes when they signed the bond and qualified themselves in the sum of $4,000. One surety, qualifying in the sum of $500, does not appear upon the assessment roll. Two sureties, each qualifying in the sum of $500, were assessed for less than they qualified for. This leaves ten bondsmen, presumably qualified in the sum of $6,000.

Revised Statutes, section 1828, subdivision 4, fixes the bond of the assessor at $5,000.

We find, then, the bond of the assessor for $5,000 approved and accepted by the board with seven qualified sureties who justify in the sum of $6,000. Instead of making in the aggregate at least two sureties for the whole penal sum as the law required, we find but little more than one; and instead of a security of $10,000 we find the bond of the assessor approved with a security of $6,000.

Upon the tax collector's bond there are forty-eight sureties, qualified in the aggregate amount of $32,750. Of these nine were delinquent in their taxes at the time they signed the bond and qualified in the aggregate amount of $6,500. Two sureties qualifying, one in the sum of $1,000 and the other in the sum of $500, do not appear upon the assessment roll. Four sureties, one qualifying in the sum of $1,000 and three in the sum of $500 each were assessed for much less than they qualified for; this leaves 33 bondsmen presumably qualified in the sum of $22,250.

Revised Statutes, section 1828, subdivision 7, as amended by the session laws of 1889, page 16, fixes the bond of the tax collector at not less than $5,000 and not more than $50,000, to be fixed by the board of county commissioners.

The bond of the tax collector in this case was given for the sum of $15,000, which it is presumed was the amount required by the board of county commissioners. We then find the bond of the tax collector for $15,000, approved and accepted by the board, with thirty-three qualified sureties who justify in the sum of $22,250, and, instead of a security of $30,000, as the law required, we find the board of county commissioners accepted and approved the tax collector's bond with a security of $22,250.

It is alleged in the answer, and some evidence has been offered in support thereof, that these bonds were submitted to the county attorney for an opinion as to their sufficiency. It would have been proper for the county attorney to advise the board of county commissioners as to the legal form of the bonds, and as to whether or not the bonds had been properly executed. But as to whether or not the security was such as the law required was a matter entirely for the board to determine in the method directed by the statute. The duty of passing upon the sufficiency of bonds rests with the board, and not with the county attorney.

I find also from an examination of these bonds that some of the sureties appear on all three of the bonds, and many of the sureties appear upon both the bond of the tax collector and assessor. This court can not lend judicial sanction to such utter disregard of the plain, positive provisions of the statute as has been evinced by the defendants in the approval of these bonds. The law provides for security to be given by certain public officers; this is for the protection of the public, and it is the duty of those officers who are clothed with the authority of approval of such bonds to see that the public are protected, and that such bonds as the law requires are executed.

It is to be presumed that inasmuch as the legislature has passed laws fixing the qualification of sureties, it was done with the intention that the officer giving such bond should comply with the statute.

The approval of these bonds was a clear violation of the duties of the defendants as public officers, and one that could not have been committed except knowingly and willfully.

Specifications *g*, *h*, and *i* may also be considered together as they relate to the payment of commissions to James D. Young, sheriff, on the collection of money for State and county licenses issued during the first quarter of 1899.

The defendants have sought to justify their action in paying the sheriff this commission under subdivision 2, Section 2158 of the revised statutes of Idaho.

In the case of Cunningham *v.* Moody, 2 Idaho, page 862, in passing upon subdivision 5 of this same section, the supreme court of this State held that the same was repealed by an act passed and approved March 13, 1891, found in the First Session Laws, beginning at page 174. This latter act fixes the fees of the sheriff the same as it does the auditor, and applying the same rule of construction as is applied in the above-cited case, subdivision 2 was also repealed by this act and will not justify the defendants in paying said commission.

Section 7, article 7 of the constitution also requires that all taxes levied and collected for State purposes must be paid into the State treasury.

The defendants claim, however, that in allowing this amount they acted judicially. This question has been determined otherwise by the supreme court of this State in many cases, the last of which is Fremont County *v.* Brandon, 56 Pacific, page 264.

The supreme court in that case says: "The powers of the board of county commissioners are statutory and limited. Such boards can exercise those powers only granted to them by the statute. In the case at bar the commissioners exceeded their powers by allowing claims in favor of the appellant which are not county charges."

This principle applies directly to the action of the commissioners in allowing the sheriff a commission for the collection of State and county licenses. They have no authority to allow any claim against the county except such as is authorized by statute, and in this case the allowance of the claim being without authority of law, was illegal and void, and as the commissioners are authorized to act only as the law directs, they would be guilty of willful neglect of official duty in allowing a claim not authorized by law.

As to specification *j*, we turn to Session Laws of 1891, beginning at page 174, under section 2, fixing the sheriff's fees, and we find that under the evidence in this case the sheriff was entitled to the following fees:

Seven dollars for bringing over the first prisoner from Murray to Wallace and $16 for bringing over the other 4 prisoners, making in all $23.

The commissioners in allowing this bill allowed the sheriff $19 in excess of that authorized by law. It was their duty to go to the statute and ascertain the legality of this charge, and with this statute before them they knew its provisions.

Speaking of this statute and the constitution, the supreme court of this State in Eakin *v.* Nez Perces County, 36 Pacific, 702, say:

"In this act the legislature have perfected in extensive and laborious detail the fees chargeable by the sheriff for every service incumbent upon or required of him except for his attendance upon the district court. There is no provision for the payment of anything in the way of compensation by the county except in the event of the fees of the officer falling below the minimum fixed by the statute. We are now asked by the plaintiff to do what neither the makers of the constitution nor the legislature have seen fit to do—that is, provide a per diem compensation to the sheriffs of the different counties of this State by construction. But there is no predicate upon which to base a construction; there is nothing to construe. We are not at liberty to assume that the omission of a provision for the payment of sheriffs for attendance on the district courts was an oversight on the part of the legislature; and even if it were the courts have no power or authority to supply such omission. That duty is imposed upon another branch of the government."

This case would seem to settle the legality of the charge made by the sheriff for bringing prisoners from Murray to Wallace.

The statute above referred to fixes the sheriff's charges, and the commissioners in allowing his bill authorized the drawing of money from the county treasury as compensation for services which the legislature have not seen fit to provide for, and in the absence of legislative authority the commissioners have no right to take money from the county treasury to pay anyone, and in doing so they convict themselves of willful and knowing neglect of official duty in not rejecting said claim.

Specification *k* relates to the issuance of liquor licenses in said county for the first quarter of the year 1899, without application and without bond.

Under an act of the legislature approved February 6, 1891, found in the session laws of that year at page 33, we find specifically laid down the method by which license for the sale of intoxicating liquors may be procured. Section 2 requires that application for liquor license be made to the board of county commissioners. Section 3 requires that before any license shall be issued the applicant shall produce before the board a receipt of the sheriff showing that he has paid into his hands the amount due for such license. Section 3 also requires that before such license shall issue the applicant shall execute and deliver to said board his bond to the State of Idaho in the penal sum of $1,000, with at least 2 good and sufficient sureties, which bond is to be approved by the board of county commissioners.

We find from the evidence in this case that the defendant commissioners approved the bill of the sheriff for commission upon liquor licenses without any application being made to the board for the same and without the execution of any bond, as the statute requires.

This act is for the protection of the public, and by virtue of the office of the

defendant commissioners and the provisions of this statute they must have known that when they approved the sheriff's account the same was being approved for the issuance of licenses in contravention of this statute. This is a most flagrant violation of official duty. It would seem that the commissioners, in respect to this matter, have utterly disregarded and set at naught the provisions of the statute. They have approved a rule of action unauthorized by any statute of the State. And if such conduct of the commissioners was the result of ignorance and incompetency it is the most willful neglect of official duty that could be imagined. There seems to have been no disposition on the part of the defendants, as the chief executive authority of the county, to look into or inquire as to what their official duties were, or that they were under any obligation to the people who did them the honor to place them in office.

When the commissioners approved the bill of the sheriff for commission upon these licenses they thereby approved his actions in carrying on a wholesale and retail license business. Their attention must have been directed to the provisions of this statute when at their January meeting, 1899, they approved the two bonds of Sam Bloyer. It must have occurred to the board when they examined these bonds, for the purpose of ascertaining their sufficiency, that they were given under the requirements of some statute, and the examination of that statute for the purpose of ascertaining whether or not these bonds complied with the law would have informed them that bonds in all cases where licenses were to be issued were required of the applicant. And when they approved the bill of the sheriff in April, 1899, for commission upon licenses, they must have known that bonds were required and that it was their duty to see that they were executed and that application for license was made as required by the statute. They convict themselves of a willful and knowing neglect of official duty by their own testimony.

This brings us to the consideration of the facts alleged in specification *n:*

It appears from the evidence, that on the 26th day of April the representatives of the Bunker Hill and Sullivan Mining and Concentrating Company notified each of the county commissioners of the then condition of things prevailing at the Bunker Hill mine. They were advised that an armed mob of miners were using force against the employees of the Bunker Hill and Sullivan Company and threats were made to destroy the property of said company, and a demand was made of the commissioners for the protection of the law; and they were further advised that the county would be held responsible for any damage done. The only steps taken by the county commissioners in response to this notification was a telephone communication between Mr. Simmons and Mr. Burbidge, the representative of the Bunker Hill and Sullivan Company, and also a conversation between Mr. Simmons and the sheriff, in which conversation the sheriff informed the commissioners that there had been a little trouble there and that some men had been preventing men from going to work, but at that time everything was all right, and in which conversation Mr. Simmons informed the sheriff to see that there was no property destroyed, and that if he thought it necessary he (Simmons) would go over there. No communication was had between the members of the board after this notification.

Under the statute of this State the board of county commissioners is the chief executive authority of the county. They have general supervision over all county matters and all county officers, and, as the representative of the people, it would seem to have been their duty, when notified of an anticipated difficulty, such as was embraced in the notice from Mr. Burbidge to each member of the board, and that the county would be held liable for any damage done, to have taken sufficient interest in the matter to have personally visited the scene of the difficulty and met in special session for the purpose of taking such action as might have been necessary after an examination of the facts.

Section 1757 of the Revised Statutes authorizes special meetings of the board to be called at any time upon the call of a majority of the board. This section also provides that 5 days' notice thereof must be given to each member not joining in the order, by the clerk. But I apprehend that there can be no question under this statute and the general powers of the board as fixed by the statute but what a special meeting might have been convened at any time, were all the members of the board present. And in this case, if the commissioners had investigated the conditions prevailing at Wardner, and found it advisable to have held a special meeting for the consideration of such matters, they could have done so under this statute, immediately, all joining in the meeting, all being present.

Under the general powers of the board of county commissioners it was the duty of the board to have supervised the conduct of the sheriff and seen that he obeyed and executed the law and protected the people of the county in life and property, and the tax payers generally of the county, to the extent of furnishing all the

protection at his command, so that the county in no way would become liable damages by reason of any neglect of official duty. But they seem to have view the notification of the Bunker Hill and Sullivan Mining Company with very lit concern and took no steps to protect them, or their property, or their employe or the tax payers of the county.

The responsibilities, as indicated by the action of the members of the board this matter as well as all other matters referred to in this opinion, seem to ha rested lightly upon the shoulders of said board. They do not seem to have re ized the fact that they were servants of the people, or that they owed any duty the office held by them or to the people who had placed them in office. They ha prescribed their own rules of action, disregarded the plain, unequivocal pro sions of the statute, and acted independently and in disregard of the requireme of the law. Just what they might have accomplished by taking hold of the d culties which were threatened on the 26th day of April, and which finally cul nated in the destruction of the Bunker Hill and Sullivan mill and other buildi and the death of 2 men on the 29th of April, can not be gathered from the e dence; but that it was their duty to furnish to those threatened with the destr tion of property, and the people generally of the county, the strong support of law, there can be no question; and by failing to do so they have disregarded neglected their official duties and by their acts demonstrated their incompeten and unfitness for the public trust imposed in them by the people of this coun

In conclusion, I find that specifications *a* and *b* have not been sustained by evidence; that specifications *c*, *d*, *e*, *f*, *g*, *h*, *i*, *j*, *k*, and *n* have been proven and s tained, and findings and judgment may be prepared accordingly, removing s defendants from office.

As to the charges made in the information against the defendant sheriff, it co serve no good purpose for me to recite again the evidence offered in supp thereof. The defendant in his own testimony has convicted himself of the m flagrant violation of official duty that could be imagined. The defendant see to have utterly disregarded every obligation resting upon him by virtue of being a peace officer in Shoshone County. From his own statement he did no ing whatever to prevent the difficulties which occurred at Kellogg on April He took no steps to apprehend or arrest those participating in such unlawful a Men coming from communities where he had been acquainted were met by h at Wallace, and he rode on the train with them to Kellogg, heard their talk, lowed in their steps, witnessed the destruction of the Bunker Hill and Sulliv Mining Company's property, and permitted, almost within his view, the mur of 2 men, and, after the difficulty was over, remained at the place of the difficul without either in person or by deputy following the persons engaged in the unla ful acts to the place from whence they came with a view of identifying or app hending them. The highest peace officer of the county, conducting himself as states in his own evidence, has disgraced the office to which he has been elec and has shown himself to be incompetent and unfit as a public servant.

Findings and a decree may be prepared sustaining all the allegations in information against the sheriff and removing him from office.

WALLACE, IDAHO, *July 28, 189*

TESTIMONY OF MR. JOHN CHARLES STEVENSON,

Justice of the Peace, Gem, Shoshone County, Idaho.

The subcommission on mining being in morning session at Wallace, Ida July 28, 1899, Chairman Bell presiding, Mr. John Charles Stevenson, being d sworn, testified as follows concerning labor troubles in the Cœur d'Alene min district of Idado:

Q. (By Mr. RATCHFORD.) State your full name and address to the secretary A. John Charles Stevenson, Gem, Shoshone County, Idaho. I am a tailor trade, but I am justice of the peace there.

Q. How long have you served as justice of the peace?—A. Since January last.

Q. Are you familiar with the mining situation there and with the troubles t have existed in this district?—A. I am just about as well acquainted with situation as a man can be and not be a miner.

Q. You may proceed and tell your knowledge about the mining situation your experience, going back as far as you care to and treating it in your o

way.—A. I was elected last September as justice of the peace and took the position on or about the 12th of January, and we ran along smoothly and there was no trouble until the 29th day of April. I got up rather late that day and walked up to the Blackbird, and in going up there I met an old Montana acquaintance of mine by the name of Walter Meiklehan, and also Richard Evans. It was about 2 o'clock in the afternoon when I met them; and Mr. Batley, the postmaster, came out and reported to me—I was standing in front of the post-office—that the Bunker Hill mill was blown up. I had been talking to these men probably half an hour. It was considerably over half an hour before Batley reported this to me—this explosion. He is the postmaster and express agent there. He came and told us the mill was blown up. These 2 men I was speaking to could not have been more than half a mile from town, or probably a mile, if they were that. On the 4th day of May they were both arrested in Burke. I made an affidavit and sent it down to Mr. Bartlett Sinclair. Mr. Meiklehan was released on that affidavit, but this Dick Evans is there yet. I know him and was acquainted with him in Montana, and he went through to British Columbia when that mine closed down. He came from that country about 3 or 4 weeks before that, and so I know he was a perfect stranger in the country; and when I saw them up there I asked them what they were doing. They had been in Burke, and I asked them what they were doing, and they said there was nothing doing in Burke, and that they were going to walk down to Wallace. They were arrested, and one is there to-day incarcerated.

I know these men didn't know anything about the trouble, because the man they have got there now was a stranger, but still he is in the bull pen. On June 8 a man was hanging around the residence of Mr. Goldensmith; he was hanging around the house for 3 or 4 hours, and it appears that Mrs. Goldensmith went up to him. Mr. Goldensmith was in the bull pen at the time, and she was alone in the house, and this man was hanging around there 3 or 4 hours; and she naturally went to him and asked him what he wanted, and he said, "None of your damned business." This was a sworn statement to me. She said to him that she didn't want him hanging around there and that he had better go away. He said, "I am going to stay here as long as I please, and if you don't like it I will report you to the military troops." She was alone, so she came up to report this thing to me and to demand a warrant for his arrest. I issued the warrant, and you will find my affidavit to that effect among these affidavits here. I gave the warrant to the constable to arrest the man and bring him up before me. He would not open his mouth. I asked him his name. I entered his name as John Doe, as I always do where I don't know the name. He refused to answer to his name; he refused to answer me in any shape; he never spoke a word in the court; he sat there with his cap on. I said, "Will you remove your cap?" He paid no attention. I said, "Remove your cap, please;" and he kind of sneered and turned his head around and looked away from me. I said to the constable, "Remove his cap." He went and removed his cap, and that was the only time there was a finger laid upon the man in the world. That was in the evening. I asked him several questions. I even asked him if he understood the English language, but he didn't say a word. I remanded him to prison until the next morning. I said, "Probably you will be able to answer questions in the morning." The next morning at 10 o'clock he came again, and it was the same result—no answer whatever. I then fined him $20 for contempt of court, and being unable to pay the fine, I sent him down to the county jail. The next day by some means he was released, and the Tuesday night following I was arrested by Mr. Sutherland and Mr. Rose.

Q. Who is Mr. Sutherland?—A. He is now the sheriff; he was acting as deputy sheriff at that time. They took me down to the bull pen and kept me there 19 days. A friend of mine came down and said, "Why can't you get out of here; what are they keeping you here for?" I said that I didn't know; "I suppose Mr. Sinclair is keeping me here." She went to see Mr. Sinclair right there and asked him what he was keeping me for, and he said, "It is none of your business, and I will not tell you." Then she said to Mr. Sinclair, "This is a public State and you must tell me; you have no right to keep him there." He turned around and walked away. He turned back afterwards, and after he had walked a few steps he said, "I will see him;" and sent a deputy in for me. The deputy came and called me out and I went to see Mr. Sinclair. He said, "Don't you know you are breaking the law?" I said, "I don't, no, sir; I don't know that I am breaking the law." He said, "I know you are." I said, "I know I am not." He said, "You allowed that poor individual to be pulled and kicked and cuffed around." I said, "There was not a finger laid upon that man at all in any shape in God's world except to take off his cap." "Well," he said, "I shall expect, if you are turned loose—I shall expect you to uphold the laws of the United States." I told him

that I had never done anything else, and I expected to do so. He said he would get out a recommendation for my release. The deputy that brought me out—I don't know his name—came to me and tapped me on the shoulder and told me to go and pack up my blankets and get my things all ready to go out, "and in the meantime, while this is being done, Mr. Sinclair will write the recommendation for your release and will have it signed by Captain Edwards." I went and packed up my blankets and before I got through there was a soldier there to conduct me out; and I was a free man from that time.

Q. Who was the man that interceded in your behalf with Mr. Sinclair; give the secretary his name, will you?—A. It was a woman that did my washing. She brought down my washing. She is Mrs. S. P. Hinman. It appeared there were several parties speaking to Mr. Sinclair about me. Mr. Leighty, the notary public in Gem, spoke to Mr. Sinclair about me previously, but it had no effect whatever.

Q. How long were you confined in the bull pen?—A. Nineteen days. I was released without any trial at all. They had no charges against me at all, except this personal affair between Mr. Sinclair and myself. I had to work in the kitchen and had to work outside, which I had not done for over 40 years; and I have been in the West here now for a long time. I am an old pioneer in the West and have never done very hard work, but I had to do it there. The first night I was arrested I was incarcerated with highway robbers and housebreakers and everything else in the county jail, and had to sleep and eat with them. I had to wash dishes, and everything else.

Q. Please describe in your own way the general treatment that was accorded you and others confined in the bull pen.—A. I was treated with all due courtesy by Captain Edwards. I don't have a word to say against him as a gentleman. During the first week of my incarceration there Captain Lovell came in. I understand there was an order issued—and affidavits of witnesses brought to prove it—that if the place took fire, to let no man get out of there or try to escape; but he was to be shot. While I was there during the first week Captain Lovell came in just previous to Captain Edwards taking charge there. He came and said, "If this place takes fire and you boys break in that way," pointing in an opposite direction, "if you boys undertake to break down toward the railroad track, you will be shot; but you can run toward the guardhouse in case of fire, and then you will be safe." He said we could break the boards or anything else and run toward the guardhouse. But the order was that if we tried to escape in any way we would be shot; and I heard him say if we ran toward the guardhouse it would be all right. Now if the part had taken fire toward the guardhouse, and the men went through the other side, it was the understanding that they would be shot the minute they got through.

Q. Was there great danger of fire?—A. I think there was. There was lots of hay that the men slept on, and the least spark in the world would have set that place on fire and it would all be up. The men spread their blankets out at night. They wore the blankets during the day and slept on them at night. Those were the orders I heard myself.

Q. (By Representative BELL.) How old are you?—A. I was 60 on the 23d day of March.

Q. (By Mr. RATCHFORD.) Have you anything further to say as to the treatment?—A. Yes. A man worked in the kitchen one day, and after they got the bulk of their work done he came out and sat down to rest himself, and while he was sitting there a soldier came along, a colored soldier, with his bayonet on his gun, and he said, "I want you to go outside to work." Said the man, "I have just come out of the kitchen, and I am going back in again." And the soldier said, "I don't want a word out of you." He said, "I want to say a word or two;" and the soldier run his bayonet right through the man's coat and cut his suspender.

Q. Did he pierce his body?—A. No, he didn't pierce his body, but he cut his clothes.

Q. Have you seen any incidents of that kind in which men were jabbed with bayonets?—A. I didn't see any flesh touched with the bayonet but I saw it run through his clothes.

Q. Were you hungry at any time?—A. No.

Q. Any complaints of hunger while you were there?—A. Not while I was there. I didn't get there until pretty late in the season. The board has been a great deal better than I understand it was in the first place.

Q. Were you there during the time some men were sick?—A. Quite a number were sick, but they were in the hospital.

Q. Were they accorded a fair medical treatment?—A. That I could not say, as I was not in the hospital at all. I was not allowed to see any sick prisoners.

Q. Were you there during the time any of them died?—A. No; that was previous to my going there.

Q. You could not say anything as to that?—A. No, sir.

Q. If there are any other questions you care to discuss we shall be pleased to hear you.—A. On July 14 Andrew Drewery went into a house in Gem and he was abusing a lone woman there. I don't know the particulars of what occurred in the house, but he attempted to beat her with a stick that he had in his hand, and tried to break the frame inside of the window. She ran out of the house and he ran after her a little ways and threw the stick after her and tried to hit her. She swore out a warrant against him. I handed the warrant to the constable, and he arrested the man and brought him down. It was late at night, and I put him under bonds to try at 10 o'clock in the morning of the 25th, as it was very late. He went up to the quarters of the deputy marshals; Adams was one and I forget now the other man's name; it is a German name; they took him and kept him there and brought him down in the morning. The case was set for 10 o'clock in our time, and it is an hour ahead of this time. At 9 o'clock Deputy Adams came to me and said, "I demand that prisoner from you." I asked him upon what ground, and he said, "I had him arrested before your warrant was sworn out." I said, I didn't want any conflict with the marshals at all or the military authorities, and told him I would surrender the prisoner to him, and he said, "All right; we will see that he stays at home." In about half an hour, about half past 9, he came back to me and said, "I have concluded to let you try the case, and I will not interfere with it until after the trial." That I considered a threat. I had been in the bull pen once on a similar case and I expected to go again. "Well," says I, "if you are going to submit the case to this court, all right." He had no sooner stepped out of the house than this other deputy—Barnhart is his name—came in and said, "If you cinch that man there will be 4 more arrests immediately." Those were the words he used, and from what Adams had said to me previously I concluded I would be one of the first arrested. And if there was ever a man guilty of a misdemeanor that man certainly was, for he plead guilty afterwards; but I had to turn him loose on account of this fear that I myself and 3 other citizens would be arrested if I didn't.

Q. What was this man Barnhart engaged in?—A. He is deputy United States marshal—deputy sheriff or marshal; he didn't do anything else but that; he was around Frisco all the time to make arrests. I concluded that I had had enough of the bull pen and did not wish to be arrested again. He was a guilty man, a man who plead guilty afterwards; I could not cinch him, but had to let him go, or go to the bull pen myself to pay for it, which I think was very unjust. There is one justice here in Wallace who told me that a man can not do his duty here without being in danger of going to the bull pen. I never broke a law in my life that I know of, and never will, and I don't want to be interfered with in doing my duty. I am ready to do my duty without fear or favor to anyone.

Q. (By Mr. MANTLE.) Where are these parties who made these affidavits [referring to the affidavits attached to this testimony and which were filed with the stenographer]?—A. They are here; some of them are in town to-day.

Q. (By Mr. KENNEDY.) For what purpose were those affidavits secured?—A. For the reason that it might be difficult for each person to come before this commission.

Q. You secured all of these affidavits for this commission?—A. Yes.

Q. (By Mr. MANTLE.) The commission is especially anxious to inquire into alleged acts of cruelty practiced upon the prisoners in the pen, and I desire to ask you if you have stated all of the incidents of cruelty or ill treatment which came under your observation.—A. That is all, I believe, of absolute cruelty—the time I saw the bayonet run through the man's clothes.

Q. (By Mr. KENNEDY.) Have you the seal of your office?—A. No. The justices are elected by the people. The notary public has a seal. In this State the justices don't have a seal.

Q. (By Mr. MANTLE.) The most of these men who have made these affidavits are here?—A. Yes, all here.

Q. (By Mr. RATCHFORD.) Do you wish to submit these affidavits to this commission on the expressed belief that their contents are true to the best of your knowledge?—A. Yes; to the best of my knowledge they are true.

Q. (By Representative BELL.) Do you know the witnesses?—A. I know every individual.

Q. They are reliable men?—A. Yes; all reliable, steady workmen.

Q. Who drew the affidavits?—A. I did all the writing myself, except one.

Q. You took the statements they made themselves?—A. I first put them under oath and took the statements the same as you are doing now.

Q. Did you cross-examine them in a measure to find out just what they knew?—A. Yes. I examined them fully before I put it into writing on the paper, and put them under oath before there was one word written.

(The affidavits above described follow the testimony of this witness.)

Q. (By Mr. KENNEDY.) Did the soldiers participate in your arrest?—A. No.

Q. Just 1 of the deputies.—A. Sutherland and Rose came up and arrested me and took me down.

Q. You saw a great many arrests made, did you?—A. On this 4th day of May I saw the arrest of 3 men on the opposite side of the street from my office. A colored soldier and sergeant by the name of Dick Williams were there. These men were walking up the sidewalk in front of this sergeant, and 1 of the men turned around and the soldier said, "Go along, you —— ——. I would like to kill some of the white —— ——, and I will do it, too, if I get a chance."

Q. A colored soldier said that?—A. Dick Williams, a colored soldier; I think he was of company M; I am not sure of the company; anyway he was under Lieutenant Murphy, of the Twenty-fourth Infantry.

Q. You saw no arrests made by soldiers not directed by the deputies, did you?—A. Yes; I saw these 3 men arrested by Lieutenant Murphy and Sergeant Williams.

Q. Were there any civil officers there?—A. There was a deputy on the street there, but he didn't go to the house at all.

Q. Didn't he direct them to go in the house?—A. He may have, but the doors were all shut and the blinds all down, and he could not have directed them to arrest these particular men. They came into my house a few minutes afterwards—Lieutenant Murphy and two privates. There was no deputy with them. He asked me my name and trade and if I was always there, to which I answered. He turned around to his soldiers and said, "Go out; that is all I want here."

Q. Do you believe the former sheriff of this county exhausted all his powers to prevent the perpetration of that outrage at that mill?—A. I think he did. I think he did all I could have done if I had been in his place. I didn't know a thing of it, and I don't believe he did. I didn't know anything about it until Mr. Batley told me in company with others that the Bunker Hill and Sullivan mill had been blown up. I had no idea of such a thing, and he could not have had. I don't think the sheriff could have prevented it. At that time a man could not have gotten enough force in the State to have prevented it. It would have been an utter impossibility.

Q. (By Mr. RATCHFORD.) Why?—A. Because he could not have gotten men enough, from what I understand.

Q. Was the time too short or the people in sympathy?—A. Time was too short; you could not get enough men together.

Q. (By Mr. KENNEDY.) The sheriff boarded the train at this town, did he not?—A. I don't know anything about it. I was at home.

Q. If he had been a bold and determined sheriff and had a posse of the same kind of men and had taken possession of the engine, do you think he could have prevented them from going to Wardner?—A. I don't know. I don't think he could have taken possession of the engine.

Q. (By Mr. MANTLE.) Why not?—A. Because I think there were too many men on the train, from what I heard. I was not there at all, but that is the way I should conclude it was.

Q. Do you think there would have been main force used by the men on the train?—A. I think they already had possession of the train, and I don't think he could have taken the train from them; I don't think he could have gotten force enough to prevent the train from going from this town. I have read a good many times that a man is not expected to go to the extent of giving up his life, according to the laws of the State; that a man is not expected to endanger his life to stop any riot; or rather, that he is not obliged to give up his life. I think that is the law of the State.

Q. (By Mr. RATCHFORD.) Where was the train first approached?—A. I believe it was at Burke. I was in bed at the time, and don't know anything about it.

Q. Do you know the engineer in charge?—A. No.

Q. You don't know whether the engineer and crew in charge was a regular railroad crew or not, do you?—A. No.

Q. (By Mr. MANTLE.) You live in Gem?—A. Yes.

Q. Burke is above Gem?—A. Yes.

Q. The train would have to go through Gem?—A. Yes.

Q. What time did that train arrive?—A. I don't know. I was in bed at the time. I got up about 11 o'clock that morning. I was up late the night before.

Q. You had no knowledge of the train going through?—A. No; I had no idea of such a thing; no intimation in any shape.

Q. You don't know how many men left Gem on the train?—A. No

Q. Do you know anybody who went on the train?—A. No.

Q. Did you see the train come back?—A. No. I saw the train when it pulled out of Gem that night, after it had stopped at Gem.
Q. Did you see the men get off the train?—A. No.
Q. Did you see the men with guns or masks?—A. The train passed me on the road; it was going fast.
Q. You saw no men with guns or masks?—A. I didn't notice; paid no attention to it.
Q. You were there in Gem?—A. I was just a little above Gem; between Frisco and Gem proper.
Q. You don't know anything about who got off the train?—A. No.
Q. Don't know how many men were there?—A. No.
Q. Or whether the men bore guns or wore masks?—A. No; not to my knowledge. I saw men on the train of course, but didn't happen to see any masks and didn't notice any guns. They were all strangers to me. I am not acquainted in Burke at all. I don't know anyone in Burke to-day.
Q. You really know nothing about the train or the men or their condition, or when they went out or when they came back?—A. No; I know the train came back, because I saw it above Gem.
Q. You saw nothing unusual about it?—A. No.
Q. Had you heard during the day of the destruction of the mill?—A. Yes; Mr. Batley came and told us on the street.
Q. There was no excitement there at Gem over the return of the train?—A. There may have been, but I was above Gem at the time. I thought I would be back in time to see the train come in, but I was not. I came back as quick as I could to see if there was anybody got off the train at Gem, but I don't know, because, of course, they were all off before I got down there and the train was pulling up to Burke.

AFFIDAVIT OF MR. J. C. STEVENSON, GEM, IDAHO.

GEM, *July 25, 1899.*

This is to certify that I, J. C. Stevenson, a duly elected and acting justice of the peace in and for Gem precinct, county of Shoshone, State of Idaho, in this my sworn statement do say that on the 6th day of May, Lieutenant Murphy, of the Twenty-fourth United States Infantry, entered my office, and, ignoring the fact of my being a magistrate of this precinct, did question me as to my occupation, and upon being convinced of my peaceable pursuits, did leave the house; but I saw opposite my office one Dick Williams, a sergeant of the Twenty-fourth Infantry, after arresting men, say to them, "Go along you white —— ——; I would like to kill some of you, and if you don't go along faster I will do it, too." The said prisoners were walking quietly along, but not fast enough to please the sergeant.

On June 8 one Mrs. Goldensmith, a resident of this town, came to the office and made complaint against a strange man loitering around her house, and her husband being a prisoner at the military prison at Wardner, she spoke to him and asked him what he wanted. He answered, "It is none of your business." She then told him to go away. He said, "It is none of your damned business, and if you don't like it I will report you to the military authorities." Said Mrs. Goldensmith then made complaint in my court and asked for protection and warrant of arrest, which was granted. The said stranger was arrested and brought into court, but would not say one word, would not remove his cap, would not tell his name, and treated the court with the uttermost contempt. I ordered the constable to remove his cap, which was done, and fined him $20 for contempt of court. He being unable to pay fine was sent to the county jail for 10 days. In 5 days, or on the 13th, I was arrested by A. Sutherland and F. Rose, was taken to the county jail, and on the 14th I was taken to the military prison at Kellogg, where I was compelled to work in the kitchen and elsewhere like a convicted felon, and confined there until the 2d day of July when Mr. B. Sinclair told me I was arrested on account of fining that man for contempt of court, and the release had to be signed by Captain Edwards of the United States Army.

On July the 14th one Andrew Drewery was arrested on warrant sworn to by Mrs. Mattison; that he had abused her in her own house and attempted to beat her with a club or stick; she ran down the street and he threw the stick at her with intent to do bodily harm. He appeared on the 15th for trial, but one Mr. Adams, a deputy marshal, first appeared and said, "I demand that prisoner from you." I then told him that I wished no conflict with the military or the United

States authorities and I would surrender the prisoner to him. He went away and returned again and said, "I will not take the prisoner, but will leave him in your hands and will not interfere until after the trial," which was an implied threat against the court. Immediately afterwards a deputy, Andy Bernhart, came and said "If you cinch that man there will be four arrests made immediately," which I received and looked upon as another threat, and as I had been incarcerated once on the same or a similar case, the civil court of Gem was intimidated by those who should have supported the same; and although the prisoner pleaded "guilty," I had to turn him loose with a reprimand, all of which is a true statement of facts.

J. C. STEVENSON,
Justice of the Peace.

Subscribed and sworn to before me this 25th day of July, 1899.

[SEAL.] L. LEIGHTY, *Notary Public.*

SUPPLEMENTAL AFFIDAVIT OF MR. J. C. STEVENSON, GEM, IDAHO.

Be it known that I, J. C. Stevenson, a duly elected justice of the peace of Gem precinct, do solemnly swear that I met on the 29th day of April, A. D. 1899, one Richard Evans, of the town of Burke, on or in the streets of Gem, between the hours of 1 and 2 p. m. of that date, on foot and walking to Wallace, and therefore I know he was in no way concerned in the riot of that date at Wardner; and that the said Richard Evans has been and is still incarcerated in the military prison because he can not identify the rioters of the 29th day of April, A. D. 1899; and furthermore, that I knew the said Richard Evans for several years prior to the 29th day of April, 1899.

The above facts have been sent to B. Sinclair by affidavit some time ago, but still the said Richard Evans is held because he can not identify the rioters.

J. C. STEVENSON,
Justice of the Peace.

Subscribed and sworn to before me this 22d day of July, 1899.

[SEAL.] L. LEIGHTY,
Notary Public.

AFFIDAVIT OF MR. JOHN PETERSON, GEM, IDAHO.

In the justice's court of Gem precinct, county of Shoshone, State of Idaho, before J. C. Stevenson, justice of the peace.

Personally appeared before me this the 22d day of July, A. D. 1899, one John Peterson, who, being first duly sworn, deposes and says that he was arrested by a deputy United States marshal and a detachment of soldiers on the 6th day of May, A. D. 1899; and after arresting the said John Peterson they searched his house and did take therefrom one revolver, which was not returned. And further, that the arrest was made without any warrant or any complaint being read, and that the affiant was taken to the military prison at Kellogg, and there kept until the 17th day of May, A. D. 1899, and then released, as per the order attached, after suffering miseries and abuse almost unbearable.

JOHN PETERSON,

Subscribed and sworn to before me this 22d day of July, A. D. 1899.

J. C. STEVENSON,
Justice of the Peace.

(The order above referred to is as follows:)

GUARDHOUSE, KELLOGG, IDAHO, *May 17, 1899.*

On recommendation of B. Sinclair I hereby discharge J. Peterson from custody.

HARRY O. WILLIARD,
Second Lieutenant, Tenth United States Cavalry, Officer of the Day.

(Across the face: Harry O. Williard, second lieutenant, Tenth United States Cavalry.)

AFFIDAVIT OF MR. JOHN J. HAYES, GEM, IDAHO.

In the justice's court of Gem precinct, County of Shoshone, State of Idaho, before J. C. Stevenson, justice of the peace.

Personally appeared before me, this the 23d day of July, A. D. 1899, one John J. Hayes, who, being first duly sworn, under oath, deposes and says that he was arrested on May 27, A. D. 1899, at Gem, by A. Sutherland, without warrant, or to his knowledge any complaint, and was taken to the military prison at Kellogg, and there kept and guarded by the military authorities at that post as a military prisoner until the 13th day of July, A. D. 1899, and during that time never knew of any charge being made against him, or having any knowledge of why he was arrested, and was released by recommendation of B. Sinclair, and signed by Captain Edwards, United States Army, without any trial of any nature whatever. And on the 24th of June B. Sinclair told the affiant in conversation that the country would be better off if he left the country, but affiant answered that no man could drive him from his home. The said B. Sinclair being enraged because the above affiant could not tell anything about the raid on the 29th of April, A. D. 1899, and B. Sinclair ordered the said John J. Hayes to remain in prison.

JOHN J. HAYES.

Subscribed and sworn to before me this the 23d day of July, A. D. 1899.

J. C. STEVENSON,
Justice of the Peace.

AFFIDAVIT OF MR. ERNEST BOLITHO, GEM, IDAHO.

In the justice's court of Gem precinct, county of Shoshone, State of Idaho, before J. C. Stevenson, justice of the peace.

Personally appeared before me, this the 23d day of July, A. D. 1899, one Ernest Bolitho, who, being first duly sworn, under oath, deposes and says that he was arrested on the 6th day of May, A. D. 1899, by Lieutenant Murphy, of the Twenty-fourth United States Infantry, without warrant, but at the point of the bayonet of the colored soldiers under his command; and the said Ernest Bolitho was conducted to and incarcerated in the military prison at Kellogg, near Wardner, for the space of 70 days, and guarded and commanded to work by the military officers, and suffered abuse and contumely by the said colored troops, and all without any complaint of any criminal act or any warrant of arrest, and was discharged and released at the end of the 70 days by order of Dr. H. France, without recompense for his loss of 70 days' incarceration and loss of time.

ERNEST BOLITHO.

Subscribed and sworn to before me this 23d day of July, A. D. 1899.

J. C. STEVENSON,
Justice of the Peace.

AFFIDAVIT OF MR. THOMAS SPARGO, GEM, IDAHO.

In the justice's court of Gem precinct, county of Shoshone, State of Idaho, before J. C. Stevenson, justice of the peace.

Personally appeared before me, this the 23d day of July, A. D. 1899, one Thomas Spargo, who, being first duly sworn, under oath, deposes and says that he was arrested on the 6th day of May, A. D. 1899, by a deputy marshal and a detachment of United States colored troops and conducted by them under guard to the military prison at Kellogg, and held under military surveillance for 77 days. The said arrest was made without warrant being served, but at the point of bayonets; and was ordered to work by the same power, and after suffering hardships and abuse from the colored soldiers was on the 22d day of July released by order of Captain Edwards, of the First United States Cavalry, in command of the post and military prison at Kellogg; and upon the order of the said Captain Edwards alone the affiant was released.

THOMAS SPARGO.

Subscribed and sworn to before me this 23d day of July, A. D. 1899.

J. C. STEVENSON,
Justice of the Peace.

AFFIDAVIT OF MR. OTTO FREEMAN, GEM, IDAHO.

In the justice's court of Gem precinct, county of Shoshone, State of Idaho, before J. C. Stevenson, justice of the peace.

Personally appeared before me, this 21st day of July, A. D. 1899, one Otto Freeman, who, being duly sworn, under oath, does solemnly swear that on the 6th day of May, A. D. 1899, he was in Mace, Shoshone County, State of Idaho, and on that day was placed under arrest by Captain Walsh, of the First United States Cavalry, and after a short time the said Captain Walsh did say to the said Otto Freeman, "I will just give you 2 seconds to get over that hill," pointing his finger to the south. And I, Otto Freeman, do say and affirm that I was not charged with the commission of any crime whatever, but was summarily ordered to leave my home and possessions by military authority.

OTTO FREEMAN.

Subscribed and sworn to before me this 21st day of July, A. D. 1899.

J. C. STEVENSON,
Justice of the Peace.

I hereby certify that the above Otto Freeman is personally known to me, and I know him to be a freeholder and taxpayer.

J. C. STEVENSON,
Justice of the Peace.

AFFIDAVIT OF MR. WILLIAM WILLIAMSON, GEM, IDAHO.

In the justice's court of Gem precinct, county of Shoshone, State of Idaho, before J. C. Stevenson, justice of the peace.

Personally appeared before me this the 22d day of July, A. D. 1899, one William Williamson, who, being duly sworn under oath, does say that he was arrested on the 6th day of May, A. D. 1899, by a deputy marshal and a detachment of colored soldiers, and conducted by them to the military quarters at Wardner. The said arrest was made without warrant or, to the knowledge of the affiant, any complaint, but was taken at the point of the bayonet, and was incarcerated 77 days in the military prison, now known as the bull pen, at Kellogg, and subjected to hardships and exposure of many kinds, and never was told upon what charge the said affiant was arrested; and, further, that the said William Williamson was released on the 21st day of July, A. D. 1899, by Captain Edwards, First United States Cavalry, commanding the military prison, and without informing the affiant of any charge ever having been preferred against him.

WILLIAM WILLIAMSON.

Subscribed and sworn to before me this 22d day of July, A. D. 1899.

J. C. STEVENSON,
Justice of the Peace.

AFFIDAVIT OF MR. ALEX. KENDRICK, GEM, IDAHO.

GEM, IDAHO, *July 22, 1899.*

I hereby certify that I saw a soldier officer—colored—on the 6th of May, 1899, say to prisoners in front of fire house in Gem: "Sit down, you ——— ———. It don't cost me anything to kill any of you fellows."

ALEX. KENDRICK,
Gem, Shoshone County, Idaho.

Subscribed and sworn to before me this 22d day of July, A. D. 1899.

J. C. STEVENSON,
Justice of the Peace.

AFFIDAVIT OF MR. DUNCAN MCLAUGHLIN, GEM, IDAHO.

In the justice's court of Gem precinct, county of Shoshone, State of Idaho, before J. C. Stevenson, justice of the peace.

Personally appeared before me one Duncan McLaughlin, who, first being duly sworn under oath, deposes and says that he was arrested on the 6th day of May,

A. D. 1899, by Lieutenant Murphy, of the Twenty-fourth Infantry, without any warrant or, to the knowledge of the affiant, any complaint, but at the point of the bayonet, and was taken to Kellogg and kept in a box car for about 2 weeks, and then thrown or turned into a barn and kept there about 2 weeks, and during that time the affiant saw two different men slapped in the face by colored soldiers of the United States Army; and on one occasion saw a prisoner threatened with uplifted gun to knock every tooth out of him if he conversed any more with a fellow-prisoner.

On the 21st of July, A. D. 1899, was released by order of Captain Edwards, of the United States Army, without ever knowing why the affiant was arrested, and to this date has no knowledge of why he should be imprisoned for so long a time.

DUNCAN MCLAUGHLIN.

Subscribed and sworn to before me this 25th day of July, A. D. 1899.

J. C. STEVENSON,
Justice of the Peace.

AFFIDAVIT OF MR. CHARLEY JEMISON, GEM, IDAHO.

In the justice's court of Gem precinct, county of Shoshone, State of Idaho, before J. C. Stevenson, justice of the peace.

Personally appeared before me Charlie Jemison, who, being first duly sworn, under oath says that he was arrested at Wardner on the 3d day of May, A. D. 1899, and for 2 days and nights was without bedding or anything except boards to sleep on or under no covering whatever; and was locked up in the barn for about 12 hours and was not allowed outside for that time; and at or about the same time Jack Stack went to B. Sinclair and told him that on the 29th day of April he had 8 witnesses to prove that the affiant was around Page's Hotel all the afternoon. On the 14th of July the affiant was brought to Wallace to testify on behalf of the prosecution, and was released on the order of B. Sinclair on the 15th of July, 1899. And affiant says further that during that time he was taken out of his bed and made to dig in a ditch at the point of a bayonet, and also during that time Captain Lovell, of the United States Army, came in and said that "if this place takes fire you must stay right here, and if any of you try to get out you will be shot."

CHARLEY JEMISON.

Subscribed and sworn to before me this 26th day of July, A. D. 1899.

J. C. STEVENSON,
Justice of the Peace.

AFFIDAVIT OF MR. PAT. CANTWELL, GEM, IDAHO.

In the justice's court of Gem precinct, county of Shoshone, State of Idaho, before J. C. Stevenson, justice of the peace.

Personally appeared before me this the 22d day of July, A. D. 1899, one Patrick Cantwell, and, after being duly sworn, deposes and says under oath that he was arrested in the town of Gem by Lieutenant Murphy, of the Twenty-fourth Infantry, on the 6th day of May, A. D. 1899, and was taken to the military prison at Kellogg and kept in box cars for about 3 weeks under the most disgusting circumstances, being treated exactly like cattle while there; was once knocked down with a gun in the hands of a soldier, after which was turned into the new prison, where he was compelled to work at the point of a bayonet, he being imprisoned without any complaint being made known to him at all or warrant served, and there kept until the 20th day of July, A. D. 1899, when the affiant was discharged by Dr. France and B. Sinclair, and during that time and until this date has not known why he was imprisoned.

PAT CANTWELL.

Subscribed and sworn to before me this the 22d day of July, A. D. 1899.

J. C. STEVENSON,
Justice of the Peace.

AFFIDAVIT OF MR. MARTIN SCHILLER, GEM, IDAHO.

In the justice's court of Gem precinct, county of Shoshone, State of Idaho, before J. C. Stevenson, justice of the peace.

Personally appeared before me on this the 27th day of July, A. D. 1899, one Martin Schiller, who, being first duly sworn under oath, makes the following affidavit: That on the 23d day of June, A. D. 1899, was walking up the railroad track with his brother, Anthony Schiller, and, after passing the section house above Black Bear, met some men accompanied by Deputy Adams; and after passing the men some distance a shot was fired at us, and looking around saw Adams waving his revolver and commanding us to halt, which we did, and was then placed under arrest. The ball from the revolver, after passing my brother, struck the ground in front of myself. We were then taken to the military prison at Kellogg and confined there for 33 days, being released on the 25th of July. And further, that the affiant came into the Cœur d'Alenes on the 29th day of April, 1899, on the train from Missoula, therefore not being in the State of Idaho until after the raid at Wardner; never worked in Idaho, and never broke any law, or assisted others in doing so, but am a stranger in this part of the country.

MARTIN SCHILLER.

Subscribed and sworn to before me this 27th day of July, A. D. 1899.

J. C. STEVENSON,
Justice of the Peace.

AFFIDAVIT OF MR. ANTHONY SCHILLER, GEM, IDAHO.

In the justice's court of Gem precinct, county of Shoshone, State of Idaho, before J. C. Stevenson, justice of the peace.

Personally appeared before me this the 27th day of July, A. D. 1899, one Anthony Schiller, who, being first duly sworn, under oath makes affidavit as follows: On the 23d day of June, A. D. 1899, the affiant was walking up the track above Black Bear, in company with Martin Schiller, the brother of the affiant, and, after passing the section house, met some men and Deputy Adams. After passing the men some one unknown called out "scab," when the brother of the affiant and the affiant was shot at by Deputy Adams, and there and then arrested and taken to the military prison at Kellogg, and confined for 33 days, being released on the 25th of July without any warrant, or, to the knowledge of the affiant or his brother, any cause or trial in any shape. And the affiant further says that his health was impaired and suffered bodily and mentally through no fault of his own, being a peaceable and law-abiding citizen.

ANTHONY SCHILLER.

Witness:
MARTIN SCHILLER.

Subscribed and sworn to before me this 27th day of July, A. D. 1899.

J. C. STEVENSON,
Justice of the Peace.

WALLACE, IDAHO, *July 28, 1899.*

TESTIMONY OF MR. ALLEN F. GILL,

Master mechanic, Tiger and Poorman mine, Burke, Idaho.

The subcommission on mining being in afternoon session at Wallace, Idaho, July 28, 1899, Chairman Bell presiding, Mr. Allen F. Gill, being duly sworn, testified as follows concerning labor troubles in the Cœur d'Alene mining district of Idaho:

Q. (By Mr. RATCHFORD.) What is your name, address, and occupation?—A. Allen F. Gill; I live at Burke, Idaho; I was master mechanic at the Tiger and Poorman mine until about a week ago. I worked 3 years the last time, and prior to that I worked 2 years in addition to the 3 years.

Q. For the same company?—A. Yes.

Q. You are familiar with the condition of the mining industry in this district, are you?—A. Yes; I am fairly familiar with things in general here.

Q. Well, you can go on and state to the commission what you know about it in your own way.—A. Well, during the 3 years and up until the time I left there I had in my employ something like 40 or 45 men, engineers, machinists, pump men, electricians, firemen, etc. I may say that my relations with them have always been agreeable.

Q. All men under you?—A. Yes, and the principal part of them had been working for that mine from 4 to 6 years. The men who worked for me were mostly married men, skilled mechanics, and had remained in the employ of the company much longer than the other class of miners. Coming up to the time the arrests were made—first, before that, I will say that none of these men that worked for us were away from Burke the day of the explosion at Wardner. That day the mill was blown up they were all at work. In fact they could not get away in any case, because they had to work, as the mine was flooding; so we were all there. There have been several of them in the bull pen since then; quite a number of them I got out on my affidavit. I was arrested myself at Burke, along with everyone else, I guess, except the postmaster. I believe he was not arrested. I was arrested by Major Morden. My house and residence was searched by a soldier and not a deputy. I will say, further, that all of these men working for me, some 40 of them, with the exception of 2, have left the country. They have sold and sacrificed their houses. Numbers of them had bought places that cost from $500 to $600, and sold them at from $150 to $200, and some less, and left the country, for the reason that the State authorities have required them to take out a permit to seek employment; and they were deprived of the right to work for that mining company. In my particular case I was promised that I would not be required to take out a permit, owing to the fact that I was one of the heads of the departments, but later it was reconsidered, and I was informed that the permit system would be extended to take in heads of departments, and I would be required to take out a permit, which I refused to do, and tendered my resignation to the company. I believe, in a general, way that is all.

As to the statement that we were being suspicioned, I will say that an incident happened in Burke last night along the line that I have been speaking. A lady there that runs a restaurant, Mrs. Fox, is somewhat friendly to the members of the union and the miners and laboring people in that part of the country. She was told, however, last night by Deputy Murphy that if she served any more meals after last night he would take possession of the place; gave no reason for it. She went to Judge Mahor, a justice of the peace, to get out a warrant for his arrest, or to get some means to prevent them from taking charge of the place; and after consulting with parties around he thought it advisable not to issue any warrant to interfere with the matter; he didn't care to have any scene with the deputies. The justice said he was practically unable to do anything.

Q. Was he afraid of a conflict with the deputies eventually?—A. He told me he believed that if he issued the warrant and appointed a constable to have it served it might cause a conflict there, and they would not recognize his authority; and the further probabilities were that he would be thrown in the bull pen. He is a man 65 or 70 years of age, very weak, and, I think, acts on the advice that it would be very unreasonable for him to take any chances. Knowing what I do of the conditions there, I advised him to that effect myself.

Q. Are you of the opinion that these notices were served on Mrs. Fox on account of the kindness of herself to the miners and their families?—A. I think she has furnished some meals to the miners that are not paid for. She is a very good lady. Miners who have not left yet may occasionally get a meal at her place. I have knowledge that that is the particular reason. That seems to be the understanding of all these parties at Burke that I spoke to about it last night.

Q. Were you working on the day of the explosion?—A. I was working with my men.

Q. How long were you confined?—A. I was not taken out of the town—something like 2 or 3 hours.

Q. In the searching of your residence, what developed?—A. Nothing; the soldier went through the house and made an examination of everything and found nothing. I will explain the conditions under which I was arrested. On account of the peculiar condition of the mine there, it is absolutely prejudicial to take the men away from the work. There are the boilers that must be taken care of and a lot of electric machinery. They were running the lines across the street, and it was pretty near time for the men to change shift, and I walked up the street and I saw a number of my pump men between two lines. They had a line run across the street, and we were notified not to pass each side of that line. I got permis-

sion from the party on guard—told him my business, and that I wished to see the officer in charge and get permission for my men to go down to work. I thought I would get a pass for myself to go back and forth through the lines, as I expected these lines would be permanent, for a while anyway; so I went to see Major Morden and told him my business. I did this because the manager was away at the time.

Q. Major Morden was major of the troops, was he?—A. He came here with the detachment from Wallawalla. I went to him and explained the condition; told him I was master mechanic of the mine, and under the conditions there I wished to get a pass for the men who were going to change shifts to go to work, and also a pass for myself, so that I could go back and forth to attend to business and see that the men were doing the work. He told me that he did not know, he only had my word for it; and he placed me under arrest and placed me in line with the balance, and I was held for some 2 or 3 hours. During this time he had learned from some one who I was; that all the men that were working in the mine at that time were working for me, and that very little could happen there around the place that I was not responsible for at that time, so I was released. He came and told me to go and see what the trouble was, for just at that time the fire whistle sounded. So I was released to go and see if there was any trouble, and to call for men and take charge of the fire, or whatever it was.

Q. (By Representative BELL.) What mine is this?—A. It is the consolidated Tiger and Poorman.

Q. Is that the mine at which they had the trouble with the pump men?—A. That is the mine at which the pump men continued to work longer than the balance of the men.

Q. Were you there the day they had the controversy about the men continuing work on the pumps?—A. Yes.

Q. Were you in the meeting?—A. No; I was not in the meeting. I had a conference with Lieutenant Lyons and Mr. Culbertson, the manager, just before the meeting was called.

Q. State what occurred at that time with reference to the pump men.—A. The men all concluded that they would go out at 6 o'clock that night—that was the night of the meeting—and informed the manager to that effect; and at 6 o'clock when the men came out I went down to the office and reported to the manager that the men had left the work; that the boilers were being taken care of, and the electric light, and that everything was safe with the exception of the pump men; and that they had left the work and the mine was filling up. Mr. Lyons asked me some questions and what I understood as to the reason for their quitting. He asked me if I thought the pump men had been intimidated, and I told him that I did not believe there was any intimidation, but I believed they went out of their own accord; that they had been informed that there would be men coming to take their places that day, and there were several pump men in town, and they expected to be relieved; and that that was the cause of their coming out. Culbertson said to Lieutenant Lyons, "I have done all that I can; now, see what you can do." I waited a few minutes after Lyons went out and he said he would go and call a meeting. I talked a few minutes with Culbertson, and he informed me he expected Lyons would use force if the men didn't go back to work. I went home to supper at that time. While I was at supper 3 pump men came up and informed me that they had been ordered to go back to work by Lieutenant Lyons, and had been given 5 minutes in which to decide whether they would go back to work or not, and if they refused they had been threatened with being forced back to work at the point of the bayonet, and they had agreed to go back to work and wanted to know what I thought about it. I told them if they would all go back to work that it would be all right, and that unless they were there it would be impossible for us to get the pumps started anyway; and for them to go back and see the rest of them and fix matters among themselves and see what they were going to do. They afterward notified me that they were going back to work; that they had to go, and there was no way out of it, and they expected that negro soldiers would be placed over them with the bayonet, and that they had better go to work.

Q. Do you know whether they worked of their own free will or whether it was by reason of the intimidation?—A. It was by reason of the intimidation that they went back, so they informed me.

Q. How many men did they take away to the bull pen from your mine?—A. Well, I should judge something like 250 men were taken down that night.

Q. Did they take any that were working with you that day, the 29th of April?—A. Yes; took part of them as far as Wardner.

Q. Do you know the condition of the clothing of the men that were captured;

whether it was wet or dry?—A. A number of men were returning to work. They did not allow the shift to change at all. They took the night crew and left the day crew at work. A great number of them were returning to work with their lunch boxes, and they had overalls on.

Q. Their clothes would be dry?—A. Clothes would be dry.

Q. (By Mr. RATCHFORD.) Did they arrest any of the men as they came out of the mine after their day's work?—A. I think they took 50 or 60.

Q. Were these men clothed with wet clothes?—A. Yes; coming out of the mine their clothes were wet.

Q. And without an opportunity of changing their clothes, were they taken and thrown into the bull pen?—A. They had no opportunity to change their clothes. They were put in the line and could not get out of it, the same as the balance of us.

Q. Were any of these men who were arrested in that way and who were incarcerated in the bull pen with their wet clothes among the men who were sick there or died there?—A. That I could not say.

Q. You have no knowledge on that point?—A. No. I think a number of the men came back complaining of very bad colds, and didn't go to work, claiming they had severe colds and were not in condition to work.

Q. (By Representative BELL.) How did it come that you did not quit until the last few days?—A. I was not requested to take out a permit until the last few days.

Q. And your objection to continuing work is the condition imposed upon you, which in effect, takes away your liberty as a contractor?—A. Yes; that is correct. That is my position.

Q. You feel that it is a humiliation that you are not willing to submit to?—A. I will not submit to it, either. I believe the local State officers are doing it for the purpose, not so much to keep criminals out of the country, as they are doing it for the purpose of breaking up the miners' unions. I believe the unions have been a benefit to the country. They have always used me well. I have had the men working for me, and I have had nothing but the kindest treatment from them.

Q. Are you a member?—A. No; the heads of departments are not allowed to belong.

Q. It is the injustice that you feel is embodied in that condition?—A. It is the injustice of being required to take out a permit and renounce certain unions which they claim to be criminal, as to which I have reason to believe differently.

Q. And you are not disposed to render a forced verdict against the unions as a condition of labor?—A. No; I would not be in a position to be forced to do anything against my will in that way. I would go to the bull pen first, before I would be compelled to do anything I didn't want to do.

Q. Do you think it is an unjust reflection upon the organized labor?—A. I think it is the most outrageous reflection that I have ever known.

Q. What is your experience with organized bodies as to their being orderly?—A. I claim they are orderly; they have always been orderly. There have been certain objectionable crews that have come in this country, and they have been so objectionable that they have been run out of the country by men probably members of the union and probably by others that didn't belong to the union.

Q. (By Mr. RATCHFORD.) In what way were they objectionable; were they criminals?—A. Several of them were criminals; yes. And others would go out in the street and by their talk make themselves offensive, not only to the labor organizations, but to all others.

Q. (By Representative BELL.) How do you account for the unfortunate affair on the 29th of April? Do you think that it had the approval of organized labor?—A. It didn't have the approval of organized labor. A great number of those miners came from the city of Butte, and my impression or my experience has been that there have been some hot-headed ones and radical, and there is no doubt, in my opinion, that these are the ones that controlled that movement. The majority of the miners have their homes in Burke and they have not been in sympathy with them. The majority of the miners who have been at Burke and have their homes there are not in favor of any movement of that kind. I think it was controlled by a few hot-headed radical ones.

Q. You don't think it has the approval of the miners and workers generally, and it has not your approval?—A. No. I know I spoke about it to a great many others, and I know it has not their approval, and did not have at the time.

Q. (By Mr. MANTLE.) Are there any soldiers at Burke now?—A. Yes.

Q. Who is this Deputy Murphy that you spoke of?—A. He claims to be a deputy sheriff, but it was never really explained what position he held; there is considerable mystery connected with it. They don't tell you who they are or what they are.

Q. Is he acting under the State?—A. Yes.

Q. Is it your understanding that the State administration has taken charge of this situation and is directing it?—A. I think they have. The governor called for the military; that is my understanding of it.

Q. The governor called for the military in the first instance?—A. Yes; he called for the military in the first place and up to the time Lieutenant Lyons left here. Since then it has been considerably changed. What arrests have been made since then have been by deputies. Prior to that time the deputies made arrests, but Lyons made arrests himself also.

Q. Do you understand that this proclamation and these applications for permits have all been brought out by the State officials?—A. I believe so, and that is the general opinion; that it is in conjunction with the army officials. The governor signed the proclamation.

Q. Did the governor issue the proclamation declaring martial law, in which these labor organizations are denounced as criminal organizations?—A. Yes.

Q. Forbidding the mine owners to employ any members of them except upon the signing of the application for a permit, and in that application requiring the miner to express his belief in the criminality of the miners' unions and organizations of the Cœur d'Alenes?—A. I understand that as originating from General Merriam, in conjunction with the governor.

Q. The proclamation is signed by Bartlett Sinclair, State auditor, acting for the governor?—A. Yes.

Q. And it is examined and approved by General Merriam?—A. By that I would understand it was originated by these parties combined, and that it is a legal document that they are all responsible for.

Q. And you understand, do you not, that the military could not be here except upon the demand of the governor of the State?—A. I understand that.

Q. And that the governor is the only one, either acting by himself or deputizing some one to act for him, who proclaims martial law?—A. I understand; yes.

Q. So that this whole movement is directed by the governor and his agents, aided by the military which he has called in to his assistance?—A. Yes.

Q. What would have been the result if the pump men had pulled out and refused to work?—A. Why, they would have put other men to work.

Q. Could they get other men?—A. They had quite a number of men there at the time. They had some men at Wallace and some at Burke. There were enough pump men at Wallace and at Burke willing to step in and do the work.

Q. How many men were working at the Tiger and Poorman before April 29?—A. Well, the men working for me numbered between 40 and 50.

Q. How many men worked altogether?—A. I think probably there were about 150 working in the mine.

Q. How many men worked at the mine on the 29th of April?—A. All the men working for me would number 40. All of my men were working, because the night shift didn't go on until night, and they were all there, and I noticed some 4 or 5 others.

Q. Did the men under you belong to the miners' union?—A. Some of them; yes. I noticed a great many others around town during the day that were members of the miners' union, I understand.

Q. Do you know whether or not the movement on Wardner was authorized by the miners' union?—A. No, I have no knowledge of anything of that kind.

Q. Do you know whether or not the miners' union held a meeting that night or morning?—A. No, I don't know.

Q. Do you express it as your opinion that it was not made under direction or authority of the miners' union?—A. I am perfectly satisfied that a meeting was not held by the miners' union.

Q. Are you positive?—A. Nothing, except what I was informed by members of the miners' union.

Q. Did you see the train leave Burke?—A. No.

Q. Do you know how many men left Burke on that train?—A. I judge there must have been 150 men.

Q. Did you see the train come back?—A. No.

Q. Did you see the men with guns or masks?—A. No; I will explain that condition. I don't usually go to work before 9.30 o'clock, and I come to work at the upper end of the mill and walk through the mill; and I was informed that the men were not out; that is, that the miners were not out. The mill men were working, and I went up to see if my men were working, and found them working; and I went down over the dumps to different places to see if everything was all right. It took me 2 or 3 hours to go over the mine, and when I got through the men had

left. I don't know just when the train left. I was at supper at night when the train came back. I live above Burke about a half or a quarter of a mile. The train came in, and probably all the men went to their homes. They were all gone when I came out an hour or so afterwards. The town was deserted, there was no one on the streets; at least, I didn't notice anyone on the streets even after the train came back that night. I didn't notice anything unusual, everything was quiet and the men were ready to go to work.

Q. Is it your belief that this permit system is intended to break up the miners' unions?—A. Yes; it is intended for no other purpose than to break up the miners' unions, and to change the political situation.

Q. You think politics has something to do with it?—A. I have no doubt politics cuts considerable figure with it—local politics here. One party has a considerable majority, and they have not been getting along very well in the last legislature with the present administration.

Q. What is the politics of the governor?—A. Democratic.

Q. What is the politics of the State auditor, who is acting for the governor here?—A. Democratic, I believe.

Q. What is the politics of the officials of this county?—A. Populist officials.

Q. Is it your opinion that the desire to remove some of these Populist officials has actuated the State officials in this matter?—A. I have no doubt of it in the world; it has been for the purpose of changing the complexion of the vote at Wardner and this county. Wardner has been a Republican place heretofore.

Q. But the county is Populist?—A. Yes.

Q. Wardner has been a Republican place?—A. Yes.

Q. (By Mr. RATCHFORD.) You think it is an injury to you to have to ask anybody other than those who employ labor for the right to work?—A. Yes. I will say also, to supplement that, that my personal relations with the mining company are very friendly, and since I have left there they have offered to increase my salary to anything I wish, and to do anything in their power to arrange it so that I would not have to take out a permit; and on anything in a business way that I need they will help me out. The manager and myself have been particular and intimate friends for a long time.

Q. (By Mr. MANTLE.) I understand you to say that you deprecate this outrage at Wardner?—A. I condemn that outrage.

Q. You see no excuse for it?—A. No.

Q. You feel that such things are injurious to the cause of organized labor?—A. I believe so.

Q. Do you believe that organized labor in other sections of the United States, as well as in this county, condemns such conduct?—A. I believe so.

Q. Have they ever denounced it, to your knowledge?—A. Certain individuals have denounced it to me.

Q. Has the union as an organization denounced it?—A. Not that I know of. In my position I know a great many members of the miners' union, and know personally some things they do in the union, and from their talks with me I would judge that they denounce this as wrong. A great many of them told me that morning, and a great many told me since, that the organization had no part in it and didn't believe in it.

Q. They feel that such acts must react injuriously upon the organization?—A. They told me the miners' union would be blamed for it eventually, and that it would injure the miners' union.

Q. (By Mr. RATCHFORD.) Have the officers of the miners' union at any time advised that action be taken against the commission of crime?—A. Not that I know of. I don't, of course, attend their meetings at all. I am not in a position to know what they have done, although the officers of the union have spoken to me and condemned this act.

Q. Their position simply being that they deny that the union, of which they are the heads, is responsible for this outrage?—A. Yes.

Q. You spoke of the miners' homes, and expressed the belief that men who had settled in this country and had their homes here all deprecate this wrong.—A. That is right. Well, I will say the men working for me. I only spoke of those working for me that had their homes.

Q. And you have stated that the miners' union has run some of them out because they were criminals?—A. They have run out some of them.

Q. Do you believe that the accumulation of homes and a little property by the miners is a great protection against lawlessness?—A. I believe so. I believe if a man has his little house, and owns it, and his family is there, that the place will be filled by peaceable, law-abiding citizens; otherwise a floating miner might

come, and there would be some question as to what he might do in certian cases Those who have their homes and live there can be depended upon in their actions.

Q. In other words, when he has his little home he is interested in the protection of all property.—A. That is correct.

Q. You have found that to be the case more so than in the case of men who have no homes, have you?—A. I have.

Q. Now, you spoke of the governor and State authorities, and expressed it as your belief that the main object in view, of these people, is the breaking up of the miners' union?—A. Yes; I believe that is their purpose.

Q. You are aware that the proclamation of the governor and Mr. Sinclair, who is State auditor, I believe, announces that the miners' union is a criminal organization?—A. Yes; and also from private conversation I had with them they have told me the same thing.

Q. Though all criminal organizations are denounced by the State, the impression is left, however, that the miners' union is a criminal organization?—A. Yes.

Q. Now, are you of the opinion that the civil authorities in your county are able at the present time to preserve the peace and to bring violators of the law to justice without the aid of the military authorities?—A. It is my candid opinion that these men here would assist the civil authorities in carrying out their duty if they required help; that they would be willing to do that to protect property and bring anyone to justice; that is my opinion of the men who are living right among them.

Q. Is the presence of the troops in this county for the purpose of suppressing further crime? Was there further crime contemplated, in your opinion, other than the blowing up of the mill?—A. No; they suppress no crime here.

Q. You believe all that was contemplated in the way of crime was committed before they reached here?—A. Yes.

Q. And that the miners are held for the present for the purpose of breaking up the miners' union?—A. Yes; that is correct.

Q. Under order of the governor of the State?—A. That is correct.

Q. (By Mr. KENNEDY.) Before leaving the East I was informed by representatives of the laboring men that the mining property over which this trouble occurred was owned by the Standard Oil Company, and they requested me to learn something about it. I asked some of the representatives of the mine owners yesterday—managers—whether it was true that the Standard Oil Company owned these properties or had any control over them, and they stated positively no; that it was not true, and the Standard Oil Company had no controlling voice in the management thereof. What is your understanding of it?—A. My opinion is that the Bunker Hill and Sullivan is not owned by the Standard Oil Company. There might be some individual stockholders who have some interest in it. I understand that D. O. Mills and Crocker are the men who own the property.

Q. And McCormick, of Chicago?—A. That is my understanding of it.

Q. I have here a circular which is signed by the president of the Western Federation of Miners, and in which he states positively that it is a Standard Oil property, and that the officers are carrying out the will of the Standard Oil Trust, as they call it. Now, when the management of the mine states positively under oath that these properties are not owned by the Standard Oil Company and you state it as your belief that they are not owned by the Standard Oil Company, do you think that the interests of labor are advanced by such statements as those being put abroad?—A. I don't think so. I think any statement, not true and correct, would result in injury to the labor organization. I don't believe the statement helps at all. In explanation, I will say that for a number of years it has always been common talk here that the Standard Oil Company was interested in that mine there, and it is something pretty generally spoken of, when, as a fact, they didn't know anything about it. With the exception of a little stock, I don't think the Standard Oil Company has anything to do with it.

Q. Do the miners and people of this community generally know that this proclamation was written by Judge Lindley, of San Francisco, the attorney for the Bunker Hill and Sullivan Mining Company?—A. I have heard it; yes.

Q. That is the belief among the people here?—A. I could not say whether it is or not the general belief. I have heard some people say so.

WALLACE, IDAHO, *July 28, 1899.*

TESTIMONY OF MR. BARTHOLOMEW R. CREEDON,

Miner, Wallace, Idaho.

The subcommission on mining met at 2 p. m., Chairman Bell presiding. Mr. Bartholomew R. Creedon, being duly sworn, testified as follows concerning the labor troubles in the Cœur d'Alene mining district of Idaho:

Q. (By Mr. RATCHFORD.) What is your business?—A. Miner.

Q. You have mined here until this late unpleasantness?—A. For 3 months prior to this late unpleasantness I mined here.

Q. Where were you employed?—A. At the Blackbear.

Q. How long did you work there?—A. Two months; in that neighborhood.

Q. And previous to this time where were you employed?—A. I was not employed by anyone else for 5 or 6 years.

Q. In business for yourself?—A. Yes.

Q. Are you familiar with the history of this late trouble or any part of it?—A. I know something about it.

Q. And the condition of mining generally in this district?—A. Such as is acquired after living here for 8 or 10 years.

Q. Please relate in your own way what you know about it.—A. Speaking as a miner, I haven't much to say about the mining conditions, owing to the fact that I am not much interested in the actual conditions; that is, except as an individual who is seeking employment. We have very little interest in the condition of mining. I know that the condition is not what it might be.

Q. Are you connected with the miners' union?—A. Yes.

Q. Are you an officer of the miners' union?—A. No.

Q. Have you been?—A. Never.

Q. Were you present at any meeting or meetings of the miners' union that were invaded by the soldiers or troops?—A. No; I have not been present since the soldiers came to the country.

Q. You have not attended any miners' union meetings since the soldiers came to the country?—A. I have been in jail.

Q. What do you know of the situation?—A. I have been in jail nearly 9 weeks.

Q. What was the charge?—A. After demands that I be released on bonds and be told the charge, it was said that I was held on the charge of interfering with the United States mail on the 29th of April. Prior to that time I had no knowledge, though I was in jail for 9 weeks. This was developed after almost incessant demands that I be released and be told what charges were against me. I understood it is not the wish of the commission that the jail matter be gone into any farther.

Q. We think we have had very full testimony on that. If there is anything special you desire to say or that has not been told we shall be glad to hear you.—A. I will state to the commission that I was here yesterday and was dumbfounded by some of the talk I heard. I will state that a head one of the witnesses from Wardner, who is connected with one of the mines there, says that the mine at Wardner had no stores and was not in any way interested in any kind of company stores or boarding houses, and that the mines in the canyon were not in any way interested in company stores or boarding houses.

He said in addition to that that employees of his company, in buying any articles of use at Wardner, could do so at any store at Wardner, and that if short of money they gave an order on the mine, and that such order was honored at the company's office through its legal or regularly authorized agent. Soon after he made the statement I stepped down, and, meeting a business man from Wardner who has lived there nearly as long as Wardner has been a town, asked him if such was the case, and he said, "No, sir." I asked if he would make an affidavit to that that I could submit to the commission in session, and he said he didn't care about ruining his business. He was accompanied by a gentlemen who is present here now, but, understanding his position and the nature of things, I didn't press my case any further, feeling that I could not secure an affidavit in the case; but I have been well aware of that during my long residence in the district. The same gentleman also submitted some editorial and news clippings of the local papers of 4 or 5 years ago. [See testimony of Mr. Frederick Burbridge, supra.] He submitted one as to an offense which I especially desire to refer to at this time, and one that has been hounded throughout the entire Northwest as lying at the doors of the miners' union. The paper is published here in Wallace. Referring to that part about the running out of R. K. Neill, where it says that they ran out R.

K. Neill and Crumbey, and that Neill came around by Murray and directly back here; now, I was then a resident of Murray, and, having certain knowledge to the contrary, I merely submit to the commission that the newspapers of the country at that time or at the present time can scarcely be relied upon for facts in reporting almost anything. They can not be relied upon as evidence, and especially some of these in Wallace and in Boise. They were spitting their venom through their editorial columns, and submitting such articles to this commission I hardly think is right. I will state that the report of that affair as published in the local papers at that time was entirely and absolutely false. The editorial conclusion must follow to be a falsehood also.

Q. How do we understand you? That it was hardly right for him to resort to them, or for the commission to accept these matters as testimony?—A. I say the facts as reported in the papers at that time and from which they drew their editorial inspiration were false.

Q. You think it was hardly right for them to be submitted?—A. I don't think it is right to submit falsehoods to this commission.

Q. (By Representative BELL.) You say you were in the jail, and, while we think we have the general conditions there, I would like to ask you if there were any special indignities offered you in any way?—A. Being of a quiet disposition, I was not submitted to indignities, with the exception that I was made to work while very sick and suffered very severely, which nearly caused my death.

Q. Did you notify those in charge that you were sick?—A. Yes; Dr. Stratton told me that I was able to work.

Q. They submitted you to a physician?—A. Yes; they didn't make any examination, but simply told me I was able to work.

Q. What did they require you to do?—A. Carpenter work—building prison, carry lumber.

Q. You are not in the bull pen yet?—A. They have only very recently turned me loose.

Q. Did you see any special indignities heaped upon anyone else?—A. I did. The very first night I was there we were not allowed to leave the car to attend calls of nature and got no food for 26 hours.

Q. You were in a box car?—A. The first 26 hours I was in a box car; got no drink of water; saw Mr. Albach and asked him for permission—asked him who was the officer in charge, so that I could talk to him. Mr. Albach was an old resident in this county for 15 or 16 years. I worked for him off and on at different times. I asked him if he would secure permission for an interview. He tried to get such permission from Captain Butler, the then officer of the Twenty-fourth United States, Company M, and such permission was refused. He told me 3 or 4 hours ago in front of 8 or 4 witnesses, that the permission was refused, and he was not allowed to see me. I wanted to see him to get a drink of water, as we were without it for nearly 30 hours.

Q. What excuse did they give you for not furnishing food or water?—A. Told me to keep my mouth shut or he would shoot my head off. There was a soldier with a bayonet in front of a car. I saw a great many others that were jabbed and prodded with bayonets while I was there. I have some of the names with me, but I don't choose to go into details unless that is the wish of the commission.

Q. Give us those names. The box-car matter is something, I think, we have not had.—A. That was on the 7th day of May. We got a dinner that day. We were made to line up and walk closely; walked as close as we could, with soldiers in front of us and behind us. In addition to that we were frequently clubbed with the guns of the soldiers for some breach or neglect of discipline, of which we had no knowledge at the time.

Q. Give us some of the names of those persons.—A. Peter McLaughlin, from Jem, was struck with a gun in the hands of a colored soldier a forcible blow on the back. About that time an officer yelled to his subordinates down the line to show no mercy to the —— ——.

Q. (By Mr. MANTLE.) Was this a colored officer?—A. Yes. Yelled to them to have no more mercy on the —— —— —— than they would have for rattlesnakes. There were others who were struck during the march, but I have not their names. As we went to dinner we were obliged to sit on the ground without fail. We were put in the barnyard, full, of course, of the accumulated excretions of 10 or 12 years. We were made to sit on the ground in the yard to eat our dinner. It was the first food we had had for 26 hours. We were not given any coffee or water or drink of any kind. Some of those who didn't at first sit down were forcibly made to sit on the wet ground. A man sitting close to me—Harry Lindell—who was not prompt in obeying the command of the soldier to sit down, was struck on the head with a gun and knocked down. He carries the scar yet.

I saw it last Sunday on his face. Those who had pipes had them taken from them by the soldiers and not returned, and pocketknives likewise. The rigamarole differed from day to day for 2 weeks, but it was scarcely ever better than that.

Prior to my incarceration we had supposed that a man of family would not be subjected to such degradation. One man, after he was there about a week, Mike France, suffered from severe diarrhea. He went from the old barn to the rear and on coming back stopped at the camp fire which the soldiers had made. It was raining. He was promptly ordered to leave, and not complying with the request was made to stand in the yard continuously all day in the rain. Friends came with food, none of which he was allowed to accept. We had no fire during all these long days and nights. I slept in a manure pile for 8 days, from which I still suffer. I might say I am only speaking of the condition of those surrounding me at that time.

Q. (By Representative BELL.) When did you get out?—A. About 2 weeks ago.

Q. Did your treatment change when the colored soldiers were exchanged for white soldiers; did it improve?—A. Well, about the time the change was made there was somewhat of an improvement, although not worth mentioning; the food became somewhat better, but the quarters were scarcely any better. The new quarters leaked continuously, and the hay and blankets we slept on were wet until warm weather came.

Q. How is the weather in May here and in Wardner?—A. Well, we usually consider May a fine month, owing largely to the fact that at that time around here it is not severely cold. During most of the Mays since I came here—and I worked out of doors 3 years—it rained fully one-half of the time. This May was somewhat worse than any of those—than any of its predecessors during the last 10 years, I think, though I can not state that positively, not having any compilation of the weather. It certainly seemed a great deal worse than any May during the past 10 years, owing to the rain, which poured nearly every day.

Q. Did you seek a hearing, so that you might be released?—A. Yes.

Q. What reply was made to your request?—A. I finally got a hearing before Mr. Sinclair, who was there in a building fashioned after an office. On telling him that I didn't see the men on the train; that I didn't know anyone who went to Wardner, he told me to go back and refresh my memory; and I was there 9 weeks after that.

Q. Then what kind of a hearing did you have?—A. They took me before the coroner's jury after about 6 weeks, and I was questioned there as to every conceivable thing under the sun, such as to when I was married and how many children I had, and everything except about the dead body. I was not asked one question about the dead body or whether anyone was dead or was liable to be dead or anything else. I was asked by the attorney in charge of the affair when I was married and how many children I had, and lots of other questions which seemed at the time of no consequence, and do yet.

Q. Then they released you on that examination, did they?—A. No; they released me after that on $2,000 bond. I was released on the next day following that, in some way, on a bond. I didn't read the bond very closely.

Q. (By Mr. MANTLE.) I don't quite understand the point you sought to make in contradiction of the newspaper report which was brought before us. I have the statement here. [Reading:] "The deputies went into camp with them, and there they all remained for several hours, when the deputies and R. K. Neill returned and went over to Murray, while Crummer and the others went to Thompson Falls." Is that what you had reference to?—A. Yes.

Q. It does not say Neill came back to Wallace. It says, "The deputies and R. K. Neill returned to Murray." That is what you dispute, is it?—A. Yes.

Q. He didn't return to Murray?—A. No. I was then a resident of Murray, and was sent out to see that they got through safely and got to the railroad. In such capacity I walked to within 12 miles of Thompson Falls.

Q. Were you the only party who went out?—A. No. Mr. Neill was a member of other societies, and I was appointed by them to see that he didn't perish in the snow, which was 6 or 7 feet deep there. We took separate actions in the matter, and there were others who went out.

Q. What became of Neill?—A. He went to Thompson Falls. He didn't come to Murray. That newspaper account was incorrect.

Q. The newspaper account was not correct?—A. I can state that positively; I am not just guessing at it.

Q. (By Representative BELL.) Is there anything else you desire to state?—A. Nothing in particular, except to say that I have been around the members of the miners' union a great deal and have been in other societies since I became old

enough to belong to them, and I can state positively that the miners' union, as a union, is as law abiding as any society of which I am a member. If it was not, I would have severed my connection with that union the first thing. And in some respects they are more so. At almost the first meeting I attended there I know they took steps and urged the protection of residents of Canyon Creek. Some attack was made against residents of Canyon Creek by those who were not residents, and I distinctly remember committees were appointed to attend to it. Among my first impressions on going into a miners' union hall was a large American flag standing in one corner, which I heard cost $110, and in many of the other societies of which I am a member I didn't see that.

Q. (By Mr. RATCHFORD.) What are the qualifications for membership in the miners' union; is the applicant required to be of good character?—A. I have not belonged to the miners' union very long.

Q. (By Mr. MANTLE.) How long?—A. I believe about 10 months prior to my incarceration; but after being connected with it, after joining, my residence was very far removed, so as to make it out of the question for me to meet with the members, or any of them.

Q. Have you read the constitution?—A. Yes.

Q. Anything in there concerning the character of members?—A. I can not say; I can not answer that either way.

Q. However, can you state that it is or is not the purpose of the miners' union to invite into their organization or general membership men who are lawless? What position do they take on that?—A. I have known at times, chiefly by hearsay, though, they have endeavored to keep out the lawless element.

Q. Are you aware that the constitution of miners' organizations requires all candidates for initiation to be miners of good moral character?—A. I am aware that they must be miners, and am aware that they must be of good moral character; but I don't know the exact words in the statement.

Q. Do you believe that part of the constitution is carried out to the best of the ability of the members?—A. Yes.

Q. You have never known the union to encourage the commission of crime, have you?—A. No.

Q. You believe it is a bad thing for the union and all concerned for crimes to be committed and charged to the union?—A. Yes; and I believe many times after the commission of these crimes the unions have endeavored to ferret out the perpetrators.

Q. That you know to be a fact, do you?—A. Yes; as a matter of protection they were compelled to take these steps.

Q. Can you supply this commission with information of any action taken by any of the unions in that connection?—A. Of course the archives, the files devoted to these things, are usually small and I haven't any of them with me. It occurs to me that at times gone by they have offered rewards and passed resolutions condemnatory of any crimes committed in the vicinity.

Q. And denouncing the commission of such crime?—A. Yes.

Q. Have you in mind any particular local union that did that, or do you simply make the broad statement that it has been done generally?—A. I believe the Gem Miners' Union has more than once taken that action. I would just like to state this one proposition before finishing this: A gentleman here before you yesterday stated that the managers of the mines were managers nominally. I was talking to a foreman in town since then. He was foreman for one of the leading mines in this district for 4 or 5 years. I asked him for the truth or confirmation of such a story, and he said there was no truth whatever in the matter, and that anyone who alleges that he was obliged to hire men the miners' union told him to or to discharge men the miners' union told him to that he was greatly mistaken; that he had been hiring and discharging men in one of the leading mines of the district pretty nearly 5 years, and he would like to tell the commission so.

Q. That is a union mine?—A. Yes; the Frisco, at Gem, always was a union mine. He is not working now, simply because he would not apply for a permit to work.

Q. Do you care to state the name of the foreman?—A. Thomas Jay.

Q. (By Mr. KENNEDY.) Is he foreman now?—A. He has recently declined the position of foreman because he would not apply for a permit.

Q. Have the heads of these departments, such as foremen and shift bosses, as they call them, generally declined to retain employment under these conditions?—A. I could not answer that.

Q. Do you know of any considerable number of them who have left the employ of the mines on account of being obliged to take out a permit?—A. I don't know of any outside of Mr. Jay.

Q. We had one case here this morning.—A. I heard him say so, but I didn't know what position he occupied prior to his telling us here.

Q. Have any considerable number of the men who were members at the time of the trouble taken out permits?—A. You know, being in jail so long and being out such a short time, I don't know.

Q. You don't know anything by report?—A. By report I learn that very few have, if, indeed, any have.

WALLACE, IDAHO, *July 28, 1899*

TESTIMONY OF MR. A. C. CLEARY,

Miner, Burke, Shoshone County, Idaho.

The subcommission on mining being in afternoon session July 28, 1899, at Wallace, Idaho, Chairman Bell presiding, Mr. A. C. Cleary was sworn and testified as follows concerning labor troubles in the Cœur d'Alene mining district of Idaho:

Q. (By Mr. RATCHFORD.) State your name, occupation, and place of residence.—A. A. C. Cleary; miner; Burke, Idaho.

Q. Did you hear the testimony of some of the witnesses relative to some of the pump men being forced to work by Lieutenant Lyons?—A. Yes.

Q. Now, in your own way state just what occurred there.—A. May 25, at 6.10, mountain time, I left in Burke the Northern Pacific train from Wallace here, and as I got off the train I met Lieutenant Lyons; and he put his hand on my shoulder and told me to get all the union men in the hall, that he had something he wanted to tell them. I did not know that the pumpmen had quit at this time. So we went to the hall and he walked beside me until we got to the company's boarding house, and then we walked back to the hall again, and there were lots of people on the street that went in the hall, and I was appointed chairman of the meeting. I introduced Mr. Lyons to the meeting, and he made the following statement:

He says, "Gentlemen, you must not expect to hear a good speaker, as I am no speaker, but nevertheless I will do my utmost duty to do the best I can. The reason I called this meeting was in reference to the pumpmen of the Tiger and Poorman. They quit an hour ago." That was the first I had heard of the pump men quitting. He says, "I am personally acquainted with General Merriam and have known him for the past 8 years, and have known him to be a straightforward and upright man. He has put me in charge of this mine to protect it from fire, water, and destruction, and by —— I am going to do it. I would like to know if it was the miners' union that ordered these men to quit work, or if they got authority from headquarters." I told him I didn't know, and he said that he would give the pumpmen of the Tiger-Poorman 5 minutes to return to work, by his watch. He said he would give them 5 minutes to decide whether they would return to work or not, and if they decided they would not he would put them to work at the point of the bayonet, "if it takes myself and every man I have got." I told him 5 minutes was not time enough. He said he would extend it to 10 minutes. I told him I thought he was asking too short a time in which to talk the matter over, but he said 10 minutes was all the time he would give us. Mr. Culbertson, manager of the Tiger and Poorman mine, got up and said he would like to have the pumpmen back to work; that he was not going to put new men in their places, and that he would like to have them back to work. He said he wanted the old men because they understood the work; that was the reason he wanted them. After all that was said I excused Mr. Culbertson and Mr. Lyons for 10 minutes. In about 12 minutes we called Mr. Lyons back in again. The pumpmen were sitting upon each side of where I was sitting, and he came in and asked them if they had reached an agreement; they said they guessed they had, and asked him if he was going to put them to work at the point of the bayonet; and he said, "That I will do; the United States Army never undertook to do anything we didn't do, and by —— I will see that my orders are carried out, unless you return to work." I then asked him, "Do you mean to say that you would put these men down there and make them work?" and he said, "That is what I said." So the men went back to work in a few minutes afterwards.

Q. You were president of the miners' union there, were you?—A. No; I was chairman of that meeting.

Q. You have been a member of the miners' union?—A. Yes.

Q. It has been stated by previous witnesses before this commission that the miners' union was a solemn, oath-bound organization. Is that correct?—A. Yes.

Q. Oath-bound organization?—A. Now, I don't know what you would call an oath-bound organization.

Q. Is it not a pledge instead of an oath?—A. I don't know whether you would call it a pledge or an oath.

Q. (By Mr. MANTLE.) Are you an officer of the miners' union?—A. I am vice president now.

Q. Of the Burke miners' union?—A. Yes.

Q. What mine are you working in?—A. Tiger-Poorman.

Q. Are you a pump man?—A. No; I was timbering, the last work I did.

Q. It has been stated before the commission, I believe, that the pump men really wanted to be forced to work—that is, that they wanted an excuse to work so you know whether there is any truth in that or not.—A. No; I don't think there is any truth in it. They concluded they would be forced to work, and they went to work in preference to being made to work at the point of a bayonet in the hands of the colored men.

Q. Were you at Burke on the 29th of April?—A. Yes.

Q. All day?—A. Yes.

Q. (By Mr. RATCHFORD.) Are you familiar with the constitution and ritual of your organization—have you read them?—A. I have read them considerable; yes.

Q. Do you remember the obligation of membership that you took?—A. Yes.

Q. Was it an oath or pledge?—A. Well, I think it was an oath.

Q. Are you sure on that point?—A. No.

Q. Was this not the obligation you took? (Reads from ritual of Western Federation of Miners:)

"I, ——— ———, in the presence of Almighty God, and the members here assembled, most solemnly and sincerely pledge and obligate myself to be a true and faithful member of ——— Union, No. ——, of the Western Federation of Miners."

There is no oath in that, is there?—A. No.

Q. Is that the pledge that is administered to you?—A. Yes.

Q. In view of that can you state whether the organization is an oath-bound organization or not?—A. Well, according to that, it is not.

Q. Is that the only pledge that is given to you?—A. I think it is; yes.

Q. (By Mr. KENNEDY.) How did it happen that you, a miner, were selected as chairman of the pump men's meeting by Lieutenant Lyons?—A. The members that appointed me.

Q. You said Lieutenant Lyons told you to call a meeting?—A. His idea was that I should act as chairman. I was acting president of the miners' union a month or two before that.

Q. And they are members of that union, are they?—A. Yes. He knew I was acting president, so I can not see any other grounds for his asking me to act as chairman.

Q. Mr. Mantle told you that the commission had been informed that the pump men were ready to go to work and that they were very glad to be forced to work, and you said you did not believe that was so. Is that all you can say about it, just your belief?—A. Well, I had heard that the pump men all quit because they supposed men were coming to take their places, and they did not want to be relieved by nonunion men and they quit, and some of them went as far as to ask for their time; and when Lieutenant Lyons made this statement I was in the hall with them and he had a guard at the door.

Q. Do you think they took that as an indication that they would be forced to go back to work?—A. I guess they did. I thought he would force them to work at the point of the bayonet if they would not go back to work.

Q. You don't know for sure whether they wanted to be forced back or not?—A. I have only their word for it.

WALLACE, IDAHO, *July 28, 1899.*

TESTIMONY OF MR. JAMES D. YOUNG,

Ex-sheriff, Shoshone County, Idaho.

The subcommission on mining being in session on the afternoon of July 28, 1899, at Wallace, Idaho, Chairman Bell presiding, Mr. James D. Young, being duly sworn, testified as follows concerning labor troubles in the Cœur d'Alene mining district of Idaho, and especially with reference to his actions therein, in the spring of 1899, as sheriff of Shoshone County, Idaho:

Q. (By Representative BELL.) Please state your name.—A. James D. Young.

Q. Business?—A. I was sheriff of this county up to the 6th of May.

Q. Place of residence?—A. Wallace, Idaho.

Q. How did it come that you lost the office of sheriff?—A. I was impeached on the 11th of July.

Q. Under what charge?—A. Well, under the charge of aiding and abetting the miners, and also under the charge of the insufficiency of bonds, and neglecting and refusing to do my duty as sheriff. I believe that was the sum and substance of it.

Q. Were you given an opportunity to make your bond good?—A. No. The bond was declared by the court sufficient; in fact, more than sufficient, from the fact that the court declared that my bond was a legal bond to the extent of $12,500, while the present sheriff, appointed by the present board of commissioners, has qualified in a bond of $10,000. That is what the State requires, $10,000.

Q. (By Mr. RATCHFORD.) You say your bond was $2,500 more?—A. Yes; I had a bond to the extent of $21,000. The commissioners of this county, previous to the present administration that has just come in, requested the county officers, and particularly the sheriff, to qualify in double the amount that the law specified, and therefore I followed up that proposition; and while some of my bondsmen were not qualified bondsmen in one respect, they were accepted; they were worth the money; but on failing to pay their taxes at the proper time, which the law required, they were not qualified bondsmen. That was the only fault which they had, with the exception of one who qualified for $1,000. To explain this a little more fully, I would state that it is necessary for the bondsman of this county or State to have his taxes paid up at a certain time, and if he fails to pay at that particular time then he is not a qualified bondsman. These men, who went on my bond, as I stated before, were worth the money; they had the amount of property, as they fully assured them, but they hadn't paid their taxes just at the time as specified by the law.

Q. When is this specified time?—A. I think it is the 2d of January.

Q. Was there any complaint against your bond between the 2d of January and the 29th of April?—A. No.

Q. No complaint up to that time?—A. No.

Q. Was there any complaint against your bond until after the explosion had taken place at Wardner?—A. No.

Q. (By Representative BELL.) How long were you sheriff?—A. I qualified as sheriff on the 8th day of January, and I was impeached on the 11th of July. Previous to this time I may say I was under sheriff under Mr. Thomas Heney's administration. I think I accepted that position about the 1st of April, 1898, and was undersheriff until I was elected sheriff of this county.

Q. Was the chief complaint against you that you failed to control the mob on the 29th of April last?—A. Yes.

Q. Or apprehend the perpetrators of that crime afterwards?—A. Yes.

Q. Now, will you tell us what you did or saw relating to that uprising?—A. Well, I would like to make a statement; it will only take a short time. I came to this county in 1885, and since I came to the county I have to some extent been mixed up in politics and have attended several State conventions. Three years ago this summer I was at the convention which gave Governor Steunenberg his first nomination. I was delegated as a Populist from this county, and during the session of that convention the Democratic convention was also in session at Boise City, and the two parties joined together. At that time the Bunker Hill and Sullivan was running, and they kept a military guard there constantly—a company of the State militia—under their control at the mine and mill.

Q. (By Mr. RATCHFORD.) Explain that more fully, will you? They had State militia under their control?—A. Yes.

Q. For some time back?—A. Yes. That was previous to Mr. Steunenberg's administration or mine.

Q. Were their miners organized into a company of State militia?—A. I believe they were.

Q. Were they organized as such of their own volition or did the company at any time influence them to do so?—A. My understanding is that the company influenced them to do so.

Q. You believe that to be true?—A. Yes.

Q. (By Mr. KENNEDY.) Were they members of the State militia before they enlisted to go to the Philippine Islands?—A. Yes. Quite a number of the militia enlisted to go to the Philippines; I don't know how many.

Q. Do you know positively that they were members of the State militia and organized while in the employ of that company?—A. I could not say positively, so; but I have always had that understanding, and I have seen articles published

in the paper to the effect that the governor had appointed captains and officers to control that company. That is the only knowledge I have of it.

At that time the Bunker Hill and Sullivan was not paying the regular wages that were paid at other mines in the Cœur d'Alenes, and it was the supposition of the miners in this country that the reason they maintained the militia was simply to aid them in hiring and keeping miners at a lower scale of wages than the other companies; and in order to settle this little difficulty I, together with the rest of the representatives who went to Boise 3 years ago this summer to the State convention, interviewed Mr. Steunenberg before he received his nomination, in regard to this State militia. I told him there was some little difficulty between the miners of the Cœur d'Alenes and the Bunker Hill and Sullivan on account of their maintaining a company of militia there, and also paying less wages to their men than the other men were paying. Mr. Steunenberg told me in the presence of others, and Edward Boyce was there also as a delegate, and he will tell you the same thing, that if he received the nomination for governor of this State and was elected, he would immediately come to the Cœur d'Alenes and investigate this matter, and if he found that the Bunker Hill and Sullivan Company was maintaining this militia for the purpose of keeping down wages, that if he found these things to be as stated, he would disband the militia. We told him that was all that we asked of him.

The Democratic committee stated to the Populist committee that whenever a governor was nominated by the Democratic party—the nomination for governor had gone to the Democratic party—he would be satisfactory to the Populists; and, of course, this county, having a large delegation, carried great strength in the selection of the governor. After Mr. Steunenberg had made these promises to the delegation from this county, that he would investigate this matter provided he were elected as governor of this State, we supported him, and he received the nomination. I think it was through the aid of the delegates from this county that he received his nomination. He was elected, but failed to come to the Cœur d'Alenes; never showed up in the Cœur d'Alenes after he was elected. In order to substantiate this I have no proof, anything more than my memory; but the Spokane Review came out shortly after he was elected and said that the Bunker Hill and Sullivan was perfectly satisfied with the present governor of the State of Idaho. Now, then, I wish to carry you back a little farther. I think if Mr. Dowd is brought on the stand he, and there are other witnesses also, will testify that the guns and ammunition issued to the Bunker Hill and Sullivan Company were issued in the name of Mr. Bradley, by the governor of the State.

Q. (By Mr. RATCHFORD.) By the present governor?—A. By Mr. McConnell, who was governor then. That is my understanding of it. I have been told so by different parties, and I think if Mr. Dowd comes before you he will testify to the same thing. Governor Steunenberg failed to make any investigation of this matter, as he agreed to the delegates that he would. Two years ago I was elected to the State senate, and during that time, together with my colleagues, we introduced a bill, an arbitration measure, to arbitrate all labor difficulties, and that bill passed and was signed by the governor. I understand just previous to this trouble, or the blowing up of the Bunker Hill and Sullivan mill, the governor requested the Bunker Hill and Sullivan Company to arbitrate these differences between the company and the miners, and, as I understand, they absolutely refused to do so.

The 26th of April was the first notice that I had that any trouble existed in Wardner, any more than what I have told you before in regard to the militia being there, and their not paying the same rate of wages as were paid in other places. On the 26th of April I was called to the telephone by Mr. Porter, a man in the employ of the Bunker Hill and Sullivan Company, and he stated that a blockade had been formed at or near the mine by the miners' union, and that some of their men had been prevented from going to work, and he requested me to look into the matter and said that I had no undersheriff in Wardner and that he would be pleased to be appointed, or something of that kind. I told him I had an undersheriff there by the name of John Bell, and asked him if he had consulted him in this matter, and he said that he didn't know Mr. Bell, but he knew the blockade had been formed and he believed that bloodshed was liable to follow. I went down there that afternoon myself. I told him over the telephone that I would be there. I found by inquiry that some of the miners had quit work and had gone with others in the miners' union and formed a blockade near the mine; and there had been some difficulty between the miners and the men that formed the blockade; and I believe from what I could learn that there had been 1 or 2 guns drawn from each side, and some little speeches made. Well, I told my deputy that this must not go any further, and that these men must not be dis-

turbed from going to work, and that it was not our place to uphold anything of that kind, and that we must see that these men going to the mine got there if they chose to do so. After making some little talk to this effect and having some talk with some of the miners down there, they told me that they would not interfere any further. I was told by the company that the tramway had been stopped and an armed guard had been placed over it. I went where the tramway had been stopped, as they said, and there was no one there. There evidently had been some one there from the fact that the tramway was tied up at that time. In the meantime I received a telegram from Governor Steunenberg, stating to me that an armed mob had possession of the Bunker Hill and Sullivan mine and mill and that the civil authorities were unable to cope with the situation. I believe those were about the words he stated to me. I told him I had investigated the matter, and so far as I could see there would be no further trouble; and I don't think there would have been any further trouble, so far as the miners were concerned, at Wardner.

Now there was no armed mob that showed up until the morning of the 29th in Wardner at any time from the 28th to the 29th. Everything was perfectly quiet; the mill and tramway were running, the miners had gone to work, and everything was perfectly quiet and peaceful up to the morning of the 29th; there was no show whatever of any further trouble. On the evening of the 28th I was requested by my undersheriff here to return to Wallace in order to make a sheriff's sale that would come off on the 29th, which was Saturday; and while in my office on the morning of the 29th at work I was notified about half past 10 o'clock that a train loaded with armed men was down here at the depot. That was the first knowledge I had of it. I ran down to the depot and took in the situation. The train was starting up and the thought struck me that if there was any possible show to do anything with that armed mob it would be to get on the train and go down with them; it was the only show to do anything, as the train was starting out. I did that; I got on the end car, and when I got in the car I was told not to get out of the car or to try to get out of it. I was very much surprised to find them all masked and armed. Well, of course I didn't attempt to get out of the car at any time going down.

After we got down to Kellogg, there were 3 saloons in the place, and I closed the saloons as soon as possible. The men were rushing to the saloons to get drinks, and I thought that would be the best thing for me to do at that time. In the meantime I left word with my deputy here to telegraph to my deputy in Wardner to deputize as many men as possible and arm them, because there was an armed mob coming down from this part of the county on the train. That was Mr. Seysler. He notified Mr. Heney, of Wardner, that the train was coming down with armed men. As soon as I got the saloons closed in Kellogg they had unloaded the powder they had carried down on the train, 50 or 60 boxes of it, I think, and the men were beginning to form in line. I started down to where they were beginning to form in line, and I requested some of the boys as I went along to assist me in disbanding that mob; but they simply laughed at me and refused to go. It looked reasonable to any man that to attempt to do anything with a mob of that kind was almost equal to facing death so far as an individual was concerned. I had nothing with me but a .38 Colt's revolver, and these parties I addressed myself to I am satisfied had no arms at all, but were simply spectators. I went as near to the mob as I could get and said, "In the name of the people of the State of Idaho and as sheriff of Shoshone County I demand that you lay down your arms and disband." I attempted to get to where they were, but was stopped by men with guns and masks. One of them said to me, "If you don't quit interfering here, if you interfere any further, we will do you up," or "we will put a guard over you." Now, I went as far as I could. I got to that place as near as I could. I then returned to the depot, and went across the street and was standing in front of a saloon when they began to march out. They passed around opposite to where I was, and I again demanded that they disband and lay down their arms, but they refused. I then followed them on the road until they got to within 200 yards of the mill, where they dropped a small group of men, I think about 12 or 15, to form a post, and as soon as this post was formed there the remainder immediately took me in charge, and I was stood up by a fence and kept there until all the shooting was over.

Now, my deputies in Wardner, were under the impression, and I was under the impression, that when these men got out at Kellogg they would go to the mine and drive these men out of the mine. That was my impression, and so it was with Heney, and he could tell you, if he was here, the same story. They never went near the mine. They simply blew up the mill, and these 2 men, Cheyne and Smythe, were killed during the fracas. I am sure I did everything in my power that I could do, anything more than I might have sacrificed my life;

and it seemed to me to be perfectly useless, from the fact that there were so many against me at the time.

Now, then, here is a point to which I wish to call your attention. I have heard the testimony in this case in the courts, and according to one of the witnesses in the court, Mr. MacDonald, one of the mine owners up the canyon here, stated that the man in his employ who had charge of the powder house came to him and turned the keys over to him early in the morning and stated to him that the miners were preparing to go to Wardner. Now, then, if these mine owners in Canyon Creek—and it was also stated that the superintendent of the Bunker Hill and Sullivan knew this early in the morning—knew that the miners were coming down, why didn't they notify me or give me some knowledge? But I had no knowledge of it whatever until the train was standing out here at the depot. If Mr. MacDonald knew it at 6 or 7 o'clock in the morning, he could not have done anything less than to have notified me that such preparations were being made on Canyon Creek, or in Mullan, or wherever they may have been made; but, no, I never knew about it, not in the least.

Q. About how many men went down on that train?—A. I should think there was between 800 and 1,000; that is an estimate I have made of it; I don't know but I may be a little high.

Q. How many, in your estimation, had guns?—A. Between 180 and 200.

Q. About how many were masked?—A. All that had guns were masked.

Q. Were they excited or quiet?—A. They didn't appear to me to be very excited They seemed to understand their business. They seemed to stay together, and they lined up quickly and did their work quickly. I don't think they were in Wardner Junction to exceed 1½ hours from the time they left the train until the mill was blown up. I don't think they exceeded 2 hours all the time they were there.

Q. (By Representative BELL.) About how many men participated in the blowing up of the mill?—A. Well, all the armed men, I should think; and whether the men were masked that carried the powder down to the mill or not I could not say. I was a captive at that time and standing up by the fence with a guard around me. After the powder had been placed in the mill, I requested the guard to allow me to leave that place I was in, but he didn't give me any answer; so I struck off. I was allowed to get away and my intention was to get around to where they were carrying this powder, or where they had carried it, but before I got around there the mill was blown up and they were returning to the train. Everything was done very quietly, and it seems to me it was not more than 2 hours the whole time we were there.

Q. What did you do subsequent to the blowing up of the mill?—A. On the evening of the 29th the manager of the Last Chance mine came to me and told me that his mill was in danger; that the Bunker Hill and Sullivan men had threatened to destroy their mill. He said they said something about if the Bunker Hill and Sullivan could not run they could not run; and he requested me to protect his property, which I did. I stayed there for a couple of days. I had 12 deputies, all told, to protect his property. There were some attempts made to get at his mill, as I understand it, and some men were arrested, as my deputies were under the impression that they were trying to get to the mill; but they were afterwards released, as nothing could be proven against them.

On the 3d of May I returned to Wallace. I was requested by Dr. France to attend the coroner's jury the next day, and I was also to notify Mr. Corcoran, the man who was sentenced the other day to be sent to the penitentiary—I was to notify him to appear before the coroner's jury, which I did; and we both went to Wardner Junction, and I was held there 3 or 4 days before I was called to the stand to testify; and during that time, after I gave in my evidence, I made a request to look my deposition over, and they handed it to me; and while I was looking it over I was arrested, and was not even allowed to look it over or sign it.

While I was looking it over I was arrested by a man by the name of Ed. Booth, a constable at Wardner, who was also appointed a deputy marshal, I believe, after the mill was blown up. He came into the justice of the peace's office while I was sitting there reading this deposition, and Attorney-General Hayes and State Auditor Sinclair came in with him, and Hayes said to me, "I am going to request you to resign your office. I have prepared your resignation. I find you have aided a body of miners in destroying the Bunker Hill and Sullivan Mill," or something to that effect. At the same time, when the attorney-general made this statement to me, in came the soldiers and this deputy marshal.

I asked Mr. Hayes for time to consult my attorney, and he said he would not give me any time; that I could do as I liked, and I refused to sign it and was arrested and put in the guardhouse.

The guardhouse was a small building about 12 by 16, I think, and 50 feet from bull pen, as it is termed down there; and one side had a doorway cut out, but re was no door hung in it; and on both sides of the door to the back wall near bottom 2 boards were nailed along from the doorway to the wall in the k of the room, and on each side was a little straw thrown in on the ground. as put in one corner and told not to converse with anyone; if I did it would hard with me. I was told this by the soldiers. I think I was there about 4 rs when one of the county commissioners was arrested and brought in, Mr. yle. He was placed in another corner and told the same thing. Presently in ne Mr. Stimpson, and he was placed in another corner and told the same thing. ter he was told this I knew he didn't know I was there, and being well quainted with him I wanted him to know, and I just thought I would speak to n. I spoke low, and said, "Billy, do you know me." He said, "No." Then I d him my name. At that time the soldier stuck his head in the door and arged in with a rifle in his hands and the bayonet pointed toward me, and d, "The better you fellows obey orders the less trouble you will make for us d the better off it will be for you fellows," or something to that effect. "Now," says, "if you fellows do any more talking in here it is going to go hard with n." We were not allowed to say a word to each other. We just simply laid wn in the straw on the wet ground. It was raining nearly every night and y, and for 3 weeks we were kept in that condition, with the exception of er the first 5 days we were allowed to converse with each other a little. At e end of 3 weeks they paid no attention to our conversing with each other, t for 5 days we never spoke a word to each other, and we were kept in that ndition by the soldiers. Our bedding was constantly wet and the ground was nstantly wet. Mr. Boyle is about 60 years old and contracted a severe cold, d has remained deaf from the effects of it ever since, and can hardly hear any- e speak at the present time.

Q. What have you done, if anything, relative to running down the men who nt on the train that day?—A. Well, when I came to Wallace from Wardner, er the explosion of the mill, I consulted the county attorney here, Mr. Samuels, d he and I agreed it would be best to wait until these men had dispersed; wait few days before we undertook to make any arrests, from the fact that it would ke a large body of men to do anything at that time; and I believe it would have en the proper course to have pursued. I believe if martial law had not been clared in this county we would now have under arrest a great many more men an they have under arrest, who are guilty of this crime, from the fact that the oment martial law was declared these men got right up and went out of the untry, and the innocent men are now suffering from the consequences of it. ere is no question about it.

Q. What success do you think you would have had had you tried to organize posse at that time?—A. A small posse at that time I don't think would have been nch good.

Q. How many men would it have taken to cope with this mob?—A. I ought to ve had at least 200 armed men to have coped with that mob.

Q. How long would it have taken you to have obtained and armed that many en?—A. It would have been impossible to get that many men at that time. I ould have had 2 weeks to do it. I might have done it inside of a week, and might have done it inside of 3 days previous to that time. I don't think it as possible to have gotten 200 men in the country to have gone to the aid of e Bunker Hill and Sullivan at that time. They had a lot of men there, and I derstand now that they had sent bodies of their men out, and they were seen ing over the mountains with guns; and they certainly had a lot of ammunition, r after the explosion of the mill, when the office was burning, I, with several hers went down there, and the cartridges were exploding in that fire and kept ploding all the time the place was burning. That was sufficient evidence that ey had plenty of ammunition on hand. I had frequently heard prior to the plosion of the mill that the Bunker Hill and Sullivan Company had in their session 5,000 rounds of ammunition. That is only hearsay, although I got this om parties who I am satisfied have quite a good deal of information. All the me when the building was burning there were explosions, and until the next orning.

Q. Is there anything else you think of that you would like to state?—A. No; I n not think of anything else just at the present time.

Q. Did you know any of the men who were armed on that train?—A. No.

Q. (By Mr. MANTLE.) What was your occupation before you became under- eriff?—A. I am a miner and prospector.

Q. Have you ever been a member of the miners' union?—A. Yes; prior to the me I accepted the position of undersheriff under Heney.

Q. You are well acquainted in this district?—A. I was, yes; fairly well acquainted with all the business men and people who live around the towns and in the different localities.

Q. You had ample opportunity to see these men on this occasion?—A. Yes.

Q. And didn't recognize any of them?—A. Not those with the masks, no.

Q. Nor armed?—A. No. The miners in this section of the country are a class of men who change around a good deal, and they are required to work on Sunday and every day; and during the time I lived in Mullan, which was my former residence, before I became connected with the sheriff's office—I belonged to the union for some time there, I didn't work for wages; I was working on my own property; and after I left Mullan, the Morning mine was the only mine in operation at that time, and the Morning mill burned down. That was in July, about a year ago, now. The men were all discharged and left the country, and after they built a new mill they got practically a new set of miners.

Q. Your association as undersheriff and political associations have given you a wide range of acquaintance in the county?—A. Yes.

Q. You are impressed with the belief that the attack on the Bunker Hill was planned and executed with deliberation and purpose?—A. Yes; it seemed to me that it was; that they had a full understanding of what they were going to do.

Q. From the way they proceeded?—A. Yes.

Q. You are impressed with the belief that if you had attempted any active resistance of the mob you would have been met?—A. Yes.

Q. You believe you would have been murdered?—A. Yes.

Q. You had no knowledge in advance that would have enabled you to prepare to meet that emergency?—A. No.

Q. There were no rumors current in this district of this contemplated attack on the property of the Bunker Hill and Sullivan Company?—A. There were no rumors. I heard nothing more than I received over the telephone that I spoke of awhile ago.

Q. You say it would have been impossible for you to have gotten together a force or posse of 200 armed men unless you had a week or two to provide for it?—A. I might have done it in 3 days' previous to that time.

Q. Is that fact due to the general sympathy throughout this region with the labor organizations?—A. Oh, no; but then it would be difficult to get the guns; that is what I had reference to.

Q. As a matter of fact, is not the sympathy of the district with the labor organizations very largely?—A. I don't know as I understand your question.

Q. Is not the sympathy generally of the people and business elements in this district with the labor organizations?—A. Yes.

Q. Did the Bunker Hill and Sullivan make any resistance to the mob?—A. No.

Q. Were there any shots fired by the Bunker Hill and Sullivan men at the mob?—A. Not to my knowledge. I was there that day and there was no one around the mill so far as I could see.

Q. You feel you did your whole duty with the information you had and knowledge of the existing conditions?—A. Yes. I can not understand how, if I had the same thing to do over, I could do any more.

Q. Both before and after?—A. Yes.

Q. You are satisfied that there was no force available that you could have reached that could possibly have coped with that mob on that day?—A. Yes.

Q. Have you any knowledge as to whether or not the miners' unions in this district countenanced or encouraged or directed this riot?—A. No, I have no knowledge; but I don't think they did it, from the fact that I have been told by a good many men who had gone to work on the morning of the 29th of April that they were notified on that morning that some parties were going down to Wardner on that day.

Q. Do you know of any violations of the law or any violent acts committed by the labor unions in the years past here?—A. No; I can not say that I do. I don't know of a single act that could be laid at the doors of the miners' union. I have no doubt but what some members of the miners' union have participated in things they ought not to have done, but I have no knowledge of it at all, and so far as the organization is concerned I don't think they ever had anything to do with it. What little experience I have had with the miners' union is right to the contrary, and I have always heard that when anything like that would come up in the miners' unions it would be very generally put down.

Q. Have you any knowledge that the miners' unions ever, in respect to the acts we are now considering, and numerous violations of law in the way of killing men and driving men out of the country, passed resolutions condemning those acts?—A. Yes.

Q. Have these resolutions been published?—A. Yes; they were published in the paper here in Wallace.
Q. Have they ever offered rewards for the apprehension of the perpetrators of these crimes?—A. I don't know to what extent they have ever offered rewards.
Q. As an organization?—A. No; I know they have denounced many acts of violence that have taken place here as an organization.
Q. Have there been rewards offered for the arrest and conviction of the perpetrators of the several murders that have been committed in this county?—A. Yes.
Q. Who were these rewards offered by?—A. Well, I don't know positively, but my understanding is that the mining companies on Caynon Creek have offered a reward of $25,000 or $20,000, I don't remember which, for the arrest and conviction of parties who had anything to do with this Whitney killing.
Q. Did anything ever come from that, was anyone ever arrested, or did anyone ever claim the reward?—A. Not to my knowledge.
Q. Has a reward ever been claimed or has anyone ever been arrested or convicted for any of these crimes in this county?—A. Yes.
Q. I am speaking particularly with reference to the murders of Kneebone and Whitney?—A. No; there has not.
Q. And those men who were killed during the earlier troubles?—A. No; no one has been arrested for either of those crimes, but a great many men have been arrested for other crimes committed.
Q. I was trying to confine myself more particularly to those crimes that have been alleged to have some reference to the differences between mine owners and employees?—A. No.
Q. (By Mr. KENNEDY.) To what political party do you belong?—A. I have always belonged to the Populist party within the last 6 or 8 years.
Q. To what political party does the governor of the State of Idaho belong?—A. Democratic party.
Q. How did this county go at the last election?—A. Populist.
Q. By how much majority?—A. I think ranging all the way from 50 to 250.
Q. What majority did it give against the present governor of the State?—A. The majority was quite large against him, but I don't recollect it now. I think that during the last election it was much larger than it was before for him.
Q. The county made a complete change in that respect, did it?—A. So far as he was concerned, yes.
Q. Was it 1,500 against him?—A. Well, I could not say. I think it was somewhere between 1,200 and 1,500.
Q. Do you believe that politics has had something to do with the removal of yourself and the county commissioners?—A. I do; I think they have had all to do with it.
Q. Were most of the men who were arrested and confined in the bull pen members of the Populist party?—A. Yes.
Q. About how large a per cent of them in the bull pen would you say were Populists?—A. Well, I should say 80 per cent.
Q. Eighty per cent of the persons in the bull pen are Populists?—A. Yes.
Q. Do you believe it is the intention of the governor to wipe out the Populist majority in the county by these proceedings?—A. That is my belief.
Q. Is that belief held by a large majority of the citizens and residents of this county and vicinity?—A. It is by a large number of those who have been arrested. I don't know how the rest of them feel about it.
Q. Do they look upon it in that way?—A. Yes, to a certain extent they do.
Q. How many men were in the car which you boarded at this place? You say you got on the rear end of the train.—A. It was a baggage coach, not a passenger coach.
Q. Were there as many as 75 or 100 crowded in there?—A. I think there was.
Q. And all were masked?—A. A few of them were not masked.
Q. And armed?—A. Yes.
Q. You recognized those that were not masked?—A. No, not in the car I was in.
Q. After you had commanded them in the name of the sheriff of Shoshone County and in the name of the people of the State of Idaho to disperse, they put you under guard, did they?—A. Not immediately; but I was told while I was standing there after I made this declaration that I must keep still or I would be tied up, or they would put me under guard.
Q. After you had done all that you thought you could do and they were placing you under a guard, did you remark, in a careless and indifferent manner, "Well, I have done my duty" or "Well, I have done all that I can do, and I don't care?"—A. No. I was accused of that in the Spokane Review, but I never said it in the world.

Q. Some one testified here that you did use such a remark?—A. Yes, I know it; I have been accused of it, but I never said it.

Q. (By Mr. MANTLE.) What were the circumstances attendant upon the use of that train; was the train seized by the men, do you know?—A. All that I know about it is just what little I have heard. I understand the train was seized at Burke and that the engineer and fireman were compelled by the parties who were there to manage the train just to their notion. They were obliged to run down to Gem and then back down to the powder house and then to Wallace and then to Wardner.

Q. Was there any mail car attached to that train?—A. I believe the train carried mail from Burke to Wallace, and I have learned, although I don't know positively, that the train was about 10 or 15 minutes late in getting to Wallace from its usual time. I may state that after I was impeached I was still held under arrest and continued in jail until yesterday morning when I was released.

Q. In the bull pen?—A. No; here in the county jail; until yesterday morning.

Q. What were you held for after your removal from office?—A. I don't know.

Q. Never informed?—A. No.

Q. Did you ask?—A. Yes.

Q. What answer did you get?—A. Simply the one answer that they didn't know. I was told that I was held under the military law.

Q. (By Mr. KENNEDY.) By whose authority were you arrested after your impeachment?—A. Well, under the military authority.

Q. Who arrested you?—A. I was arrested by one of the deputy sheriffs here.

Q. One of the deputies?—A. Yes.

Q. This was a mixture of military and civil authority, was it not?—A. Yes.

Q. Was there a soldier near when you were arrested?—A. Practically speaking, I was under arrest during my impeachment trial and was never released. I was simply told after I was impeached and came out of the court—I was simply told by one of the deputies that I was still under arrest and that I had to go to jail.

Q. Who arrested you the first time?—A. I was arrested by order of the attorney-general, Mr. Hayes, and Mr. Sinclair.

Q. I mean who made the arrest?—A. Ed Booth, a deputy marshal.

Q. And assisted by a soldier?—A. Yes.

Q. Did you ever buy your liberty in any way after you were arrested?—A. Yes.

Q. Please tell the commission about it.—A. When I was brought back from the bull pen I was brought back in connection with Mr. Boyle and Mr. Stimpson, the two commissioners. Mr. Stimpson was given liberty to go and see his family. Mr. Boyle and I asked one of the deputies here if it was not possible for us to get our liberty during our trial and he said he would see about it, and presently he came back and said that if we would pay him $4 per night that we could have our liberty; and I gave him $4 and Mr. Boyle gave him $4, and he gave us our liberty until the next morning. While we were going back we met the deputy, who said, "I was just going after you fellows." The first I saw of him, during the whole night, was about 10 o'clock the next morning. The next night he came around and wanted $4 more, and I told him he was hitting me a little too hard and that I could not stand it. "Well," he said, "you will have to go to jail, then."

Q. What is the name of that deputy? Is he the crier of the court here?—A. Yes.

Q. Was he crier of the court during this trial?—A. Yes.

Q. Did he have anything to do with the jail, or have charge of the jail in any way?—A. He called the jury from the jury room and would see that they were taken back to the jury room; that is all. Whenever the judge requested the jury to be brought in, he would attend to that, and whenever they were taken back he would take them back.

Q. (By Mr. MANTLE.) How did you come to be released yesterday?—A. I don't know.

Q. Just turned loose?—A. I was simply turned loose on conditions. The present acting county attorney, Mr. Forney, came to me and said, "Well, Young, if you will accept a subpœna to appear here on September 4 I will release you, and here is the subpœna." And I said, "Certainly, I will do so." And he said, "Come with me to the sheriff's office." He read the subpœna, and I said, "You better go to the jailer and notify him, or he may not want to let me go;" and he told the jailer that I was released, and that was all there was to it.

Q. The presumption is that they want you as a witness in September?—A. Yes.

Q. (By Mr. KENNEDY.) Was there a pretty large crowd at the place where you were confined?—A. Yes; very badly crowded at times. Whenever they would bring prisoners up from Wardner it was crowded to its full extent.

Q. Is it so crowded now?—A. No; there are only 5 or 6 prisoners in there now. The jail will hold 16.

Q. Were you in the bull pen at the time the colored soldiers were there?—A. Yes; but we only had an opportunity to go in the bull pen twice a day, and that was when we were allowed to go there to get our meals and carry them back to the guardhouse.

Q. Did you notice any difference between the way the colored soldiers and white soldiers treated the men in the bull pen? Was it so different as to be remarked?—A. During my stay there the colored soldiers were there nearly all the time. I was brought up here to Wallace in the latter part of June and confined here ever since. The colored soldiers were in charge when I left the bull pen.

Q. Were they abusive or profane in their treatment of the men?—A. Yes, they were very abusive; and so far as that is concerned we supposed they had orders to treat us as they did. And as I stated in the first place, for about a week or 10 days we were not allowed to speak to each other; but this gradually wore off, and after 3 or 4 weeks we were allowed to converse as much as we saw fit.

Q. (By Mr. MANTLE.) Did you ever witness any act of cruelty imposed upon any person?—A. No, not what you might term real cruelty. I have seen them make jabs with their bayonets at men, but I don't think they ever hit anyone.

Q. It was more in the nature of an indignity?—A. Yes.

WALLACE, IDAHO, *July 28, 1899.*

TESTIMONY OF MR. MICHAEL J. DOUD,

County tax assessor, Wallace, Idaho.

The subcommission on mining, being in session on the 28th day of July, 1899, at Wallace, Idaho, in the afternoon of said day, Chairman Bell introduced as a witness Mr. Michael J. Doud, who, being duly sworn, testified as follows concerning the labor troubles in the Cœur d'Alene mining district of Idaho:

Q. (By Representative BELL.) Please state your name, address, and business.—A. Michael J. Doud; residence, Wallace, Idaho; business, county assessor.

Q. How long have you resided here?—A. I have been in the Cœur d'Alenes since 1889, off and on.

Q. Do you know the general condition of labor and capital engaged in mining in the Cœur d'Alene country?—A. Yes.

Q. Is it prosperous or otherwise at this time?—A. I think it is prosperous.

Q. Any of your mines shut down in part or in whole?—A. About all are working, I believe, at the present time.

Q. Were any of them shut down recently?—A. Yes; since this permit system came into effect.

Q. Was the shutting down governed by natural or artificial causes?—A. I should say artificial causes.

Q. Will you in your own way give these causes and conditions as fully as you feel it is necessary?—A. So far as I know about the conditions at this time, since the occurrence of the 29th of April, which I presume you are all familiar with, and that portion I can possibly leave out, about all the mines in this county were at peace with the laboring men, with the possible exception of the Bunker Hill and Sullivan, until this permit system was put on by either the State or some other authority. To my knowledge there has been no grievance between the miners and the mine owners of this county with the exception of that one company; and that one company had grievances with its men previous to April 29, for the reason that it had been operating its mines on the lowest wage scale—smaller wages than the surrounding mines; and some week or ten days before this trouble came up—mind, I don't say except so far as I could understand—the men at the Bunker Hill and Sullivan requested an increase in wages to the same rate that has been prevailing in the entire camp. The management, as I understand it, refused to treat with the men in any way, and as soon as they found out that any of their men belonged to labor organizations they were discharged; the men were discharged because they belonged to organized labor. They requested the management to treat with them and to discuss the question. From my understanding the management refused to have anything to do with the men who belonged to organized labor, and would only treat with the men as individuals.

Before this trouble the sheriff and I went to the Bunker Hill Mining Company and met its resident manager, Mr. Burbidge. Mr. Young was then the acting sheriff. He stated to the sheriff that there was some trouble at that time between

the company and some strikers. He called them strikers, and he demanded protection from the sheriff. The sheriff told him he was there to give him all the protection in his power, and would see that there was no violence or injury done his property so far as it lay in his power to protect it. And in discussing the situation I asked Mr. Burbidge if it would not be better to meet with these men and try to settle the difficulty peaceably between both sides. He said that he had nothing to settle; that these men were not in his employ anyhow. We talked the matter over a little further, and I asked him the question if he didn't discharge these men simply because they belonged, or he suspicioned they belonged, to the miners' union. He said, "Yes." I asked him if he was not aware of the fact that there was a law enacted in 1893 making it a misdemeanor to discharge any man from employment because he belonged to a labor organization. He said he knew there was such a law and had already taken advice upon it. I told him the only interest I had in this matter was the same as that of any other citizen of the county who had an interest in the county's welfare, and stated that I would like to see peace and harmony between the operators and their employees; and I told him if there was anything I could do as a county officer or citizen to bring about a harmonious settlement, I would consider it my duty to offer my services. He thanked me and said that he recognized my good intentions, and that he didn't know as they had anything to arbitrate. Then it led up from that time to the 29th of April. I don't know that there was any further trouble there. The sheriff had given the protection, as I understand it; I believe he protected the property; and there was no further violence to my knowledge until the 29th of April. After the 29th everything was peaceable and quiet here; there were no mobs and no violence of any kind, and the men, as I understand it, went back to their employment, and all the other mines were operating until the permit system was put into effect. By that proclamation given to the mine owners they were not to attempt to operate their mines unless the men had permits, and that after a certain date all miners in their employ must take out permits in order to obtain employment in this county. I didn't think there were any miners that would agree to sacrifice their manhood and independence as American citizens by signing a permit for the right to seek employment. I don't think that there was a single mine in Shoshone County previous to this time that had had any trouble with their employees; not one.

Q. (By Mr. MANTLE.) Previous to that time?—A. Yes.

Q. You are speaking of the time immediately preceding this trouble?—A. I am speaking of the time immediately preceding this trouble.

Q. Do you know of anything that would affect the condition of capital or labor engaged in mining at this time? If you do, you are at liberty to state it. We have gone over our usual questions and this would probably be just a repetition. Mr. Sovereign has really covered the ground so far as that is concerned.—A. I will state that during my term of office as assessor of the county, and for the past 2 years in the capacity of deputy assessor, it has been my experience with these mining companies, without any exception, or possibly one exception, that they have all the time resisted the assessment that has been placed upon them by the assessor. They don't care to pay on a fair valuation of their property, as a general thing. Now I understand that this Bunker Hill Company, in particular, has made a statement to the press that $350,000 worth of property was destroyed on April 29.

Now I desire to call your particular attention to that statement. I believe you have had the resident manager before your commission. The laws of this State require that we shall assess the property for its actual cash value, as nearly as possible. When I place my statement in this case or the case of any individual, I ask him what the actual cash value of the property is, and he is supposed to give me the actual cash value of that property. Their sworn statement in this case for this year was that the property was worth $123,000, in round numbers, and that that was the value of all assessable property—that is, all improvements. In 1898 they gave in as their valuation $119,000, in round numbers; and the assessor at that time did not feel like accepting that as the valuation, and he went in person with myself, and we went over the property and we estimated it at about $250,000, or thereabouts. This year I valued their property at $248,000, and since the property has been destroyed the commissioners have made a statement of $90,000, and that has been acceptable to the company. Now they claim that that mill was worth at least $100,000; the compressor and equipments are assessed at $53,000, the office building at $6,000, and a few minor buildings they have left would bring it about $600 more, which would bring it somewhere in the neighborhood of $248,000.

Q. (By Mr. RATCHFORD.) Do we understand you to say that their mining property and mill were assessed for taxes in 1898 at $119,000?—A. By them; yes.

Q. (By Mr. MANTLE.) What do they actually pay on them?—A. They only paid on their own valuation, and refused to pay on the valuation placed by the assessor and classified by the board of equalization.

Q. Was there any suit begun?—A. Yes; an injunction has been served on me enjoining me from selling this property for delinquent taxes.

Q. The law relating to the taxation of mines requires then that you shall only tax the improvements upon the mine?—A. Yes.

Q. Not the mine itself?—A. Not the mine itself.

Q. Is there any difference between the rate of taxation on mining improvements and other forms of property?—A. No.

Q. Is it not a fact that while the law requires the property to be assessed at its full value, in practice it never is?—A. Yes, in general practice; but we have tried to bring every piece of property up to its full value—its actual value.

Q. Have you anything to say with reference to the taxation subject as it relates to other companies?—A. I find them nearly all on the same line; but the greater portion of them are more easy to deal with than this one particular company.

Q. How about the homes of the miners?—A. Miners are taxed, as a general thing, for everything their property is worth. They can not hide their little homes like mining companies can hide $10,000 or $20,000 worth of machinery.

Q. Who appraises that?—A. The assessor assesses the property for an amount, and the board of equalization sits as a board in July. The board of equalization, for the past number of years, in their dealings with them have tried to bring everything about fair.

Q. (By Mr. KENNEDY.) Were you a miner?—A. Yes.

Q. Are you a member of the miners' union?—A. I have been.

Q. Do you share in the belief which seems to be entertained that politics has had very much to do with the changed condition here?—A. I certainly do.

Q. (By Representative BELL.) They didn't remove you from office, did they?—A. They have not yet, no; I don't know whether they will or not.

Q. Is there any suit pending against you?—A. No; not to my knowledge, with the exception of this injunction or restraining order in the United States court, to be heard at Moscow, restraining me from selling this property according to law. There is no suit against me as an individual.

Q. (By Mr. MANTLE.) What special measures, if any, did Sheriff Young take looking to the protection of the Bunker Hill and Sullivan property, after your joint interview with Mr. Burbidge?—A. The sheriff appointed several deputies in Wardner, and was there in person to see that no violence was done to anyone, or any property interfered with. I was there for a few days attending to my official duties, and I saw Mr. Young and his deputies looking around there, and when I left there everything seemed to be just as quiet as it is here at the present time. Now, I will state that in September, 1893, or during that summer, or in the spring of 1893, all the mines were closed in this county, for the reason that the mine owners and the railroad companies had some sort of a discrimination; at least that is what was given out to the public—that the freight rates were too excessive, and the mine owners had to shut their mines down until they could get better freight rates from the railroad companies. The men were all discharged, and the mines closed down and remained closed all that summer, or a greater portion of the summer.

There were some lessees who were working in some of the mines. I am more familiar with the subject in Wardner, because I was there at that time; and I will state about the town I was residing in at that time, which I am more familiar with. When the mines started up, or tried to start up, a committee from the Knights of Labor went to see the management of the Bunker Hill and Sullivan mine, and there was a proposition considered between the management of the mine and the committee from the Knights of Labor. Bear in mind that at this time there was no miners' union in existence at Wardner; it was the Knights of Labor, and one of the propositions submitted by the management I have with me, signed by the manager at this time, and I will read it if you have no objections (reading):

"WARDNER, IDAHO, *24th September, 1893.*

"KNIGHTS OF LABOR, *Wardner, Idaho:*

"At the request of your committee, Messrs. Devlin and Deane, I herewith respectfully submit for your consideration the two following propositions:

"*First proposition.*—The wages of all under ground men to be the same. These wages to be based upon the combined market prices of lead and silver. That is, at certain prices wages to be three dollars ($3) all around; at higher prices, wages to be three dollars and twenty-five cents ($3.25) all around; and at still higher prices, wages to be three dollars and fifty cents ($3.50) all around. While wages are below $3.50, board to be $6 per week; and when wages are $3.50, board to be

$7 per week. The details of this proposition to be agreed upon between a committee from your body and Mr. Bent and myself.

"*Second proposition.*—The old wages of three dollars and fifty cents ($3.50) to miners and three dollars ($3) to laborers to be restored, but with no understanding that they can be paid for any length of time. Board to be $7 per week as before.

"F. W. BRADLEY, *Mgr.*"

This proposition was rejected by the Knights of Labor, and the committee waited upon the management again and they agreed upon another proposition. I have not that proposition with me, but I recollect well the agreement—that they would pay $3 and $3.50 all around, and there should be no discriminations as to members of organized labor—that is, that the company would not discharge any men because they happened to belong to the labor organizations, but on the other hand, they would give members of organized labor the first preference, and especially those men who were then in the Cœur d'Alenes; and wages to be $3.50 for miners and $3 for car men, shovelers, and laborers; and that they could board where they pleased.

That proposition was accepted by the Knights of Labor, and an agreement was signed to that effect, and within 2 weeks from the time that the men accepted that proposition and went to work they were notified by the company that they would have to reduce wages to $3 and $2.50 per day. The men held a meeting in the Pythian Hall, in Wardner, and discussed the proposition, and sent a committee to the management of the mine to inform them that they would not accept the reduction in wages. The manager, who was also superintendent at that time, telephoned to the manager at the mill that the men would not accept that proposition and that they were then waiting in Pythian Hall for an answer; the answer came back to tell the men to go to work again at $3 and $3.50 per day, and everything seemed to be harmonious from that time until the fall of 1894, and in the fall of 1894 the assembly of the Knights of Labor received word from Ipsing, Mich., asking if there was trouble still between the Bunker Hill and Sullivan Mining Company and its employees, and the answer was sent back that there was not to their knowledge; then there was a letter forwarded from Ipsing, and, I think, read to the Knights of Labor here. I don't remember the man's name who sent the letter, but it was from a member of organized labor in this country. The letter stated that the Bunker Hill management wanted 75 miners, and requested that they be married men, and agreed to give them $3.50 per day the year around. When that came to the knowledge of the Knights of Labor, they investigated the matter and found this to be a fact; that men were being imported into Wardner from outside places, and in fact it was proven that there had been Italians landed in Castle Garden and railroaded directly to the town of Wardner, where they got employment and paid from $5 to $10 per month for their job. There was evidence to that effect when this thing was being investigated by the miners' union in Wardner at that time. Of course, that was in 1894, and does not appear in the present difficulty. The old miners were being displaced as fast as new men could be gotten to take their places.

Q. What was the end of that difficulty?—A. The end of the difficulty was that the organizations appointed a committee to request the company to cease that kind of business and to live up to its agreement with the organization, and requested the company to give the men who were then in the Cœur d'Alene country the first preference, as they had agreed to. There was no question about wages whatever; the men were perfectly satisfied with the scale of wages agreed upon between them—$3 and $3.50 per day; and the men all went out pending an answer to these questions submitted by their committee.

Q. What was the union rate of wages in this district when they paid $3 and $3.50; when the Bunker Hill paid this?—A. $3.50 all around per day. But the union men agreed that this other rate of wages should prevail at the Bunker Hill; the Knights of Labor agreed that that rate of wages was satisfactory at that time at that mine. The Knights of Labor had lived faithfully up to the agreement entered into between them, and when the request was made of the mine manager, as I have stated, he said that the board of directors were part in New York and part in San Francisco, and he asked until 10 o'clock the next morning. He requested further time then until the afternoon, until 2 o'clock in the afternoon. The time was given by the men; it was satisfactory; and at 2 o'clock in the afternoon the manager there, F. W. Bradley, came to the hall and stated that his instructions from his company were these: that they proposed to run their mine in the same way in the future as they had in the past year, which had been to discharge these old employees, displace them, and get men from the outside to take their places. And when that answer was given it was dis-

cussed, and the men voted to stay out until such time as that company would recognize and live up to the agreement it had made with the Knights of Labor. There had been no strike for an increase of wages. The mine shut down and would not accede to the request of organized labor.

Q. How long did the mine remain shut down?—A. It remained shut down until the following June, 1895, and before it opened up they had circulated a petition about the town of Wardner, in which they stated that when lead and silver reached a certain figure they would pay $3 and $3.50.

Q. What was the figure?—A. If I remember right, when 100 pounds of lead and 2½ ounces of silver would reach $6 they would pay the old scale of wages, which would be $3.50 and $3. That was the scale they had been working under at that time. They circulated this petition among the storemen first. They called for a committee of the business men of Wardner and met, I think, at the Bunker Hill office, and they submitted that proposition to them, and the business men thought that that was only fair. The miners had not been consulted; never asked anything about this matter. This petition was sprung upon the business men, and the business men circulated this petition among themselves and got all that they could induce to sign it, though they never asked anybody whom they thought belonged to the miners' union or sympathized with it. They got outsiders to sign this petition—drummers, and even men in Minneapolis, who were in town there on business, men in British Columbia, and men who were going through Wardner and stopped on business. There were names on that petition that I never knew anything about until they came out in the circular. The miners were never consulted with regard to this petition at all until called in consultation by the company. The mine resumed on the 17th of June, I believe, under the system of $2.50 and $3 per day.

Q. (By Mr. RATCHFORD.) The petition was calculated to reduce wages, and used by the company to show that the business people were in favor of it?—A. Yes. Certain business men who refused to sign the petition were boycotted by the company.

Q. Have 100 pounds of lead and 2½ ounces of silver ever reached $6 since that time?—A. I believe they have.

Q. Do you know?—A. Yes; I am satisfied they have more than reached that.

Q. Have the wages been raised since that agreement was made?—A. No.

Q. They remained at $3 and $2.50?—A. Yes; until the men went out here lately.

Q. Until the mill was blown up?—A. Previous to that, I guess.

Q. Never have been raised since?—A. When the miners struck, after they went out the management said they were paying $3 and $3.50, but I don't know that they were.

Q. When was that?—A. About the 25th or 26th of April, if I remember right.

WALLACE, IDAHO, *July 28, 1899.*

TESTIMONY OF HON. BARTLETT SINCLAIR,

State Auditor, Idaho.

The subcommission on mining convened at 8 o'clock p. m. July 28, 1899, at Wallace, Idaho, Chairman Bell presiding. Hon. Bartlett Sinclair, State auditor of Idaho, was sworn, and testified as follows concerning labor troubles in the Cœur d'Alene mining district of Idaho:

Q. (By Representative BELL.) What is your address?—A. My address is Boise, Idaho. I am State auditor.

Q. How long have you resided in Idaho?—A. I came to Idaho the 27th of October, 1892.

Q. Are you familiar with the condition of labor and capital engaged in mining in Idaho?—A. I have given the matter considerable thought; yes.

Q. Would you say it was prosperous at the present time?—A. Generally speaking, I think conditions are very favorable, outside of this recent trouble. Of course, this has disturbed matters somewhat, but I think the situation now is very much better than it has been since I have been in the State.

Q. How does the condition of capital and labor engaged in mining compare at this time with 10 or 12 years ago?—A. I could not say. I am not familiar with conditions that far back.

Q. Well, when you first came to the State; is mining as prosperous now as it was then?—A. I could not say, only in a general way.

Q. (By Mr. RATCHFORD.) You believe that mining is more prosperous now than it has been any time since 1892?—A. So far as I know, the conditions are more satisfactory now.

Q. Satisfactory to whom?—A. To everybody.

Q. Satisfactory to the miners?—A. Very much so.

Q. Have you more men at work now than at any time since 1892 in the Cœur d'Alenes?—A. That is my impression. I am not familiar with the facts at that time and only know in a general way.

Q. Have you ever seen a time since 1892 when there were more miners dissatisfied in your State than at the present time?—A. On the contrary, I think they are better satisfied—the miners in this State.

Q. (By Representative BELL.) Have you had any shutting down of mines recently in part or in whole?—A. Would you call the recent conditions here a closing down?

Q. I want to know whether they closed down or not.—A. The mines were not in operation because of the disturbance.

Q. Then what was the cause of the closing down?—A. I imagine it was due to the prosecution of a great body of criminals who had taken part in the explosion of the Bunker Hill mill and the murder of 2 men at Wardner. While that prosecution was going on the miners who were supposed to have engaged in it saw fit to leave the State and others were not permitted to go to work.

Q. Will you give us the present conditions, in your own way, what brought about the causes, and what you think should be the remedies?—A. I want to state my position before I go into any details of that sort. When the crimes I have alluded to were reported to the governor, he requested me to come here and take such measures as I thought necessary in order to convict the parties who were engaged in those crimes. My time has been devoted almost exclusively to that branch of the subject. I only know in a general way the conditions of labor which these unfortunate men might have considered causes for taking the steps they did. If that information from me is of any value, I will be more than pleased to state it, but it is no better than information you could get from well-informed citizens of the State; in fact, I have no particular information affecting that particular branch of the subject. I am here, and always have been, for no other purpose than to see that men who have violated the laws of the State are properly prosecuted; that is the only mission I have here.

Q. When did you first come?—A. I arrived here about the 1st of May. The crimes took place on the 29th of April, and I left Boise, I think, that same evening.

Q. Was that before or after martial law was declared?—A. Martial law was not declared until I got here. I had been here 2 or 3 days. I think it was declared on the 4th of May.

Q. What general condition existed at that time which made it necessary to declare martial law?—A. This entire district was in a state of insurrection and unrest. The county government was a perfect farce. Instead of the criminals having been committed at that time, they were at large. The county was infested with a set of incompetent, corrupt officials. No arrests had been made; no attempt at an arrest had been made. The county was practically without any government. I immediately telegraphed to the governor to that effect, and in words practically such as I have just employed. And on the strength of that martial law was declared. I felt that nothing could be done under the civil law; that the people here who had engaged in those crimes had received aid, and that unless martial law was declared and summary methods were pursued the criminals would all leave the country. I felt sure that unless arrests were made at once there would be from 25 to 50 leave the State, and we would never get them.

Q. Was the proclamation drawn here or at Boise?—A. At Boise.

Q. And signed here?—A. It was signed at Boise.

Q. About what time did the soldiers come?—A. I think they came about the 3d or 4th.

Q. (By Mr. RATCHFORD.) You were not under martial law at that time, were you?—A. I presume we were. Martial law was declared on the 3d or 4th, I think.

Q. What effect did the martial law and the importation of the soldiers have on the conditions at that time?—A. It made it possible to arrest the criminals. It would have been impossible to have done so without that assistance and without the declaration of martial law.

Q. Did the soldiers meet with any defenses?—A. Well, I will not say defenses. There was some little resistance, but nothing to speak of. Of course I was not in any way associated with them in the arrests which were ordered; and I want it distinctly understood, so far as my observation will permit me to speak, that the soldiers did nothing but carry out the orders in the arrests which were made under martial law.

Q. What general plan did you adopt in making these arrests; identify the parties?—A. I simply advised them that, where I discovered that the entire community had been engaged in the crime, the entire community, or the male portion of it, should be arrested. Those were my orders, and I requested General Merriam to assist me in carrying them out. I appointed subordinates to make the arrests and, as I before said, requested General Merriam and his officers and soldiers, to assist the State's deputies.

Q. How many persons did you find that participated in the riot generally?—A. About all on Canyon Creek and the town of Mullan.

Q. And indiscriminate arrests were made in these two communities among the male population?—A. Yes.

Q. Did you find any afterwards, in these two communities, who you were satisfied did not participate in the riot?—A. Yes; and they were immediately released.

Q. How long were they held generally before a hearing was granted?—A. I adopted every means possible to facilitate their hearing. A large number of persons were arrested and I conducted the hearings as rapidly as I could, and where there was the slighest evidence of a man's innocence, he was released. I released a great many of them that I afterwards had to re-arrest—a number of those that were released on simply a casual examination.

Q. Can you approximate about the number arrested?—A. I could not without the records, and I have not them here. I want to say now that I had no notice I would be requested to give any testimony here, and if I had and your commission had indicated the character of information you wanted I would have been only too glad to have furnished it either in regard to these records or anything else.

Q. Would it probably amount to more than 400 or 500?—A. I could not state; I would not want to be bound by numbers.

Q. Just approximate it; it is not material.—A. Yes; I should think so.

Q. Do you know about the number that is retained at this time?—A. Would you call, for the purposes of this answer, men out on bond, under retention?

Q. Anyone under bond I would still consider under retention.—A. I would say there were still 250 or 260 men. There are 196 at Wardner now.

Q. How many out on bond?—A. I can not give you that positively; in the neighborhood of 40 or 50.

Q. That would bring it up to 180; somewhere along there?—A. Yes.

Q. Who adopted the permit system?—A. I certainly adopted it.

Q. Was that in pursuance of the proclamation of the governor?—A. Yes; in pursuance of the declaration of martial law.

Q. The point in this connection is whether or not the permit order has not exceeded the grounds taken by the proclamation?—A. No; I think not.

Q. Whether it has not gone beyond the grounds taken by the proclamation?—A. No; I think not.

Q. In connection with this proclamation the point I wish to raise is whether or not the language of the application for a permit does not exceed and go beyond the language in the proclamation?—A. The proclamation and the permit are the works of myself. They are both made as one arrangement, and there is absolutely no inconsistency in either. I adopted them both and got them up by the suggestions of others, and there is no apparent or actual conflict between the two.

Q. (By Mr. KENNEDY.) The commission was informed yesterday that Mr. Lindley was the author of the proclamation.—A. Mr. Lindley is not the author of the proclamation at all. He assisted in the writing of it, and I will explain that if you care to have it.

Q. (By Mr. RATCHFORD.) (Reading from proclamation:) "Certain organizations or combinations existing in Shoshone County have shown themselves to be criminal in purpose, inciting and, as organizations, procuring property to be destroyed and murders to be committed, etc." In your application for a permit you refer directly and specifically to the miners' union of the Cœur d'Alenes?—A. Yes; that is true.

Q. Well, the point raised is whether or not in the application you do not exceed and go beyond the proclamation itself?—A. Not at all. One is a little more comprehensive than the other.

Q. Is it not a fact that if there be any other criminal organizations in Shoshone County they are exempted from the application of this system?—A. Not at all. I will draw up a permit if I see fit and require them to sign it.

Q. You have not done so as yet?—A. No, because I have had no occasion to do it. I will say further in regard to these permits that on several occasions I have had to satisfy the particular fancy of some good man whom I knew not to have been in that matter at all, and to be a good, law-abiding citizen—I have changed that in order to satisfy some particular fancy of his own.

Q. That is not an iron-clad law, then, that is laid down?—A. No. I simply want to keep that criminal element out, and that is all there is to it; and if you gentlemen were to remain here long perhaps you would understand it as well as the rest of us, if you don't know it now.

Q. Do you think the permit system will keep the criminal element out and at the same time retain the noncriminals?—A. Yes, I am positive of it; I have no doubt of it. If this permit system is continued we will get rid of the criminal element in the Cœur d'Alenes.

Q. Why do you believe that?—A. Simply because I will see to it that the examinations are conducted carefully and that no man with criminal intentions and criminal methods is allowed to get a permit. The first requirement when a person applies for a permit (the mere fact that a man signs that application would show that he took no part in that particular crime) is that he did not participate in the riots on April 29 and that he believes they were carried on by a criminal organization (which I think the unions were here in this Cœur d'Alene country), and if he could not so answer those questions I should not issue him a permit.

Q. If he has taken part in that particular crime why not punish him according to law?—A. He may have done so and the evidence may be in the bosom of such men as our county officials, Young and his ilk. In many cases probably we can not convict a man and punish him by law because we can not get the evidence or because someone refuses to testify. Another reason is that the man who has the evidence may be intimidated by this criminal organization.

Q. Suppose someone has taken part in the commission of crime and has escaped punishment by law; whether that be true or not, if the courts have acquitted him, then you as auditor of State are in a position to say whether he shall find work or not?—A. No; not as auditor of State. I beg to differ with you on that. There is a distinction. Not as auditor of the State, but as a representative of the governor.

Q. Do you object to the expression "auditor of State" being used?—A. I certainly do in this connection.

Q. As representative of the governor of this State, are you in a position to say whether he shall find work in the mines of this State or not?—A. I have nothing whatever to do with men finding work in the mines. That is a matter particularly with the employers.

Q. Are the employers free to hire whom they please under the permit system?—A. No. They may only employ men that are provided with a permit.

Q. Permits are secured through your consent and can not be secured without it?—A. Yes; either express or implied.

Q. (By Representative BELL.) Numerous parties coming before us state that they were at their work on the day of this crime; that they belonged to no miners' union, and could not belong to it, and that they ought not to be required to render a verdict against this organization to the effect that it is a criminal organization before they can get work; that is, in other words, as citizens of the county they don't believe that the organization as an organization is criminal, and they are not willing to be put on record as voluntarily saying that the organization is criminal, and therefore they claim that it means that they must remove from this district and abandon their property if they have any here; and that the system seemed to them to be un-American?—A. In reply to that question, I will say that these men are under no more restraint in getting work now than they were before the permit system was either devised or enforced. No man in the Cœur d'Alenes district could secure work in or about the mines unless he was a member of the union.

Q. But these men were not and never could be. For instance, we had before us men who said they were not allowed to belong to the union?—A. So far as that is concerned, a good many of them claim that they are not members of the union. Of course they have permission to change their employment; but the moment they do that they are rearrested, because that class of men we have always considered as members of the union.

Now, as regards the injustice of the thing, I feel this way about it. It is unusual, that I know, but the conditions here are very unusual. Men, great bodies of them in their communities, armed and masked, themselves reject the civil law and civil institutions, and commit crime, arson, the destruction of property, murder, and return and the next day go to work; and I failed to find one instance where any of these men were discharged or called to account by either the local authorities or their employers. These are the conditions which have made the permit system absolutely necessary. Now, if there is any condition, if there is any system that will work as well as this permit system, or better, I would be only too willing to adopt it. I think that is the mildest form that could be adopted in

order to prevent the reoccurrence of these crimes. These things have occurred here because the law, as a rule, has had no effect, and they have inflicted these outrages and committed murders and other crimes similar to the one we are now dealing with here all over this district with impunity.

Q. Why do you think it is necessary to make men, not members of the union, render a verdict against the union?—A. There is a system of permits, or applications rather; one is for members of the union of the Cœur d'Alenes, and another is for men who have not been members of the union. The application for nonmembers simply requires them to say that they did not assist in blowing up the Bunker Hill and Sullivan mill, and that they did not assist in the killing of Cheyne or Smythe, and that they will obey the laws of the State. That is the application which men sign who are not members of the miners' unions of the Cœur d'Alenes. If any man under the conditions which this State is wrestling with here refuses to sign that, I think the evidence is pretty strong against him, and that he is not in sympathy with the efforts we are making to establish and promote a system of law and order.

Q. We have had submitted here a copy of the constitution and by-laws of the union. The constitution and by-laws make it a condition precedent that every applicant for membership be a person of good moral character and orderly. Numerous individual members of the union have been before us and have stated that within their lodge they were taught this and this only; that while they may have criminals in their midst, who may do these things in the name of the union, the union itself teaches a different doctrine within its halls; and they gave that as a reason why they are not willing to render a verdict against the union itself as a union, because they say the union teaches just the opposite of what was done.—A. I hope you gentlemen will familiarize yourselves with the testimony that was taken on the Corcoran murder trial. I don't ask you to accept the testimony of the State's witnesses, but I should like to have you familiarize yourselves with all the testimony, the testimony of the other side, showing that they, as unions, assembled for the purpose of committing these crimes, for which individuals are now being prosecuted. I should like to have you read that testimony; it speaks very much louder than their simple statements here. What is said in their particular constitution, I don't know. They may teach everything that is good, but it is their actions that the State is more deeply interested in just now.

Q. (By Mr. RATCHFORD.) We have resolutions adopted by some of the local unions which show just the reverse. Resolutions have been published in their trades organ, I believe, and in other papers, in which the local union offers its assistance in apprehending those who have committed crime?—A. I am glad to hear that. That is the first time I ever heard it.

Q. Resolutions against it in language as strong as it possibly can be made. We have that testimony. Have you known of it?—A. I never heard of it before. If there has been anything of the sort done in a bona fide way, I should have known of it. I should have known something about it by reason of their actions.

Q. (By Representative BELL.) That does not apply to this immediate difficulty, but to some former troubles.—A. I didn't think so. I want to say, further, that my sympathies are entirely with the unions. I have advocated them ever since I knew what a union meant. I feel that it is one of the necessary things that a laboring man must do, to go into a union to protect his interests; I think he should do that religiously; I have held it, and I believe it is right that he should do it. I have held to that opinion sincerely. I have been advocating it in the last campaign, and the one before that, and I propose to continue the same advocacy. But I want people to try and distinguish between crime and unionism.

Q. Are many miners taking advantage of the permit system?—A. Yes; a great many.

Q. Many of the union men?—A. I would not say many; there are some. Now, of course, this matter is largely delegated to others, but I have been very careful to put it in the hands of men in whom I have every confidence in the world, and who are free from every prejudice; and I have spoken to them frequently about it and told them the objects sought by it; that it was to establish a better order of things about here and nothing more. We are just as anxious to get order restored and business started here again as the miners are or could possibly be. We want to see the criminals prosecuted, but we don't want to be oppressive. I don't want to see any innocent man suffer, and any broad-minded man must see the difficulty we have been laboring under, bearing in mind always that this crime was committed more or less directly by from 1,000 to 1,200 men. These things must be all borne in mind.

Q. Now, another serious charge that has been brought before us is the abuses of the military power. It has been stated by the man who presided over the meet-

ing of the miners' union at the Tiger-Poorman mine, at Burke, that Lieutenant Lyons stationed soldiers at the door, came up and gave the pump men 10 minutes within which to consent to go back to work, or they would be put back at the point of the bayonet?—A. Yes.

Q. And they came and stated that they were forced to go to work by the United States soldiers at the point of the bayonet, practically. Do you know anything about that occurrence?—A. No report was ever made to me about it. I heard the same thing, but never in an official way at all. I heard it, however, with some slight modification. The members of the miners' union had passed resolutions ordering these men out, forcing them to leave their pumps under some form of punishment known to the order, but unknown to me. And when Lieutenant Lyons heard this he immediately requested that a meeting of the members of the union be called, and he and the manager addressed them. He told them that it was a violation of the State law to threaten these men unless they left their pumps, and assured the union men who had passed these resolutions that if the resolutions were not rescinded and these threats withdrawn they would be guilty of a breach of the law, and would perhaps meet with some difficulty. That is the way I heard it. You, of course, have had an opportunity of examining these men, and very likely they would tell you more than they would me. But that is the story as told to me in a conversational way, as I have related it.

Q. It was stated to us that after he had gathered the meeting he went in front of them and stated that his orders were to protect that mine against fire, against water, or any other destruction, and that, "by G—d he was going to do it if he had to do it at the point of the bayonet, and that he would give them just 10 minutes to return to the pumps."—A. Well, I don't know about that.

Q. (By Mr. RATCHFORD.) Is it likely that you would receive an official report of that from the officer who is charged with this violation of justice in case such violation was committed?—A. No.

Q. Or from any other officer?—A. It is not likely.

Q. It is not likely that men would report against themselves, is it?—A. No; I want to say that so far as Lieutenant Lyons is concerned, he is very capable, and a man of great discretion, and if an order for these men to return at the point of the bayonet was ever issued I never heard of it.

Q. Nor is it likely that you would receive a report from the other side?—A. If they had told me that Lieutenant Lyons, at the point of the bayonet, ordered them to go back to work, I should have examined into it.

Q. In view of the strained relations between you and them it is hardly likely that they would make a report to you even if it were true?—A. I don't know about relations being strained. They have talked very freely to me.

Q. Union miners?—A. There has never been an unkind word about my conduct here that I have heard, and I have been in the country since the 1st of May. I have been up the canyon by night and by day and without a guard and I have never once been insulted.

Q. We have been led to believe that relations were strained.—A. I don't know it from anything I have seen. As I have said, there has not been an unkind word either in my hearing or about me by any of them. I have mingled with them in the prison and in their homes and anywhere else I saw fit without the slightest fear and without an insult of any nature from any of them.

Q. (By Representative BELL.) Another charge or bitter complaint came from Justice of the Peace Stephenson, of Gem, who states that a man up there assaulted a woman and he was arrested and held for trial, and was taken from him by a deputy, who ordered him not to try him. As he had arrested him first, and in order to avoid any conflict of authority the deputy returned the man, but another deputy immediately stepped in and informed the justice that if he cinched that man he would have to pay the penalty. He said that the man pleaded guilty, but that he dare not pass sentence upon him, so he adjourned his court and let him go. Have you had any report of a condition of that kind?—A. I have had a report of what must have been the same incident, but it is so entirely different that I can scarcely recognize the case. There is a justice of the peace in the county, at Burke or Gem, I have forgotten which, by the name of Stephenson, who was arrested under these conditions and circumstances: It appears that one of the nonunion men had secured a permit and went up in that part of the county seeking work, but the mines were not ready then to engage any more help, and while he was lounging about the streets waiting for an opportunity to go to work some lady in the community made complaint against him as a vagrant—not for an assault, but as a vagrant—and he was arrested, and I believe he was imprisoned somewhere for a very short time, and then brought into the justice court, and as he took his seat one of the attendants at the justice court

assaulted him. It seems he didn't remove his hat when he entered the court as quickly as the justice thought he should have done, and it was knocked from his head. One of the deputies observed the assault and warned them that a nonunion man was entitled to just as much consideration as a union man, and if he didn't get it the State would interfere. I believe the man was sentenced, although the lady was not there. Growing out of that, the justice was arrested and brought to Wardner, and after an examination he was released. Now that was some time ago. I can not give the exact date, but it strikes me that it must have been a month ago. It may be another case and another justice.

Q. (By Mr. RATCHFORD.) Did the examination he got at Wardner go to show that the statement of the case you have now made is true?—A. Well, I believe fully in the statement just as I have made it.

Q. Why was he acquitted?—A. I did not think he could be successfully prosecuted in the courts.

Q. (By Representative BELL.) He gives this version of it: That the man hung around a private house there for an hour or more, and the lady of the house asked him what he wanted there and to go away, and he refused to go away, and she came down and got out a warrant for him. They brought him into court; asked him his name. First they told him to take off his cap, and he did not do it, and didn't look at anyone. They asked him his name and he made no reply; asked him if he could talk English and he didn't say a word, and the constable was ordered to take off his cap and that he did it in a orderly, quiet way. Then they sent him, if I remember rightly, to the calaboose, or whatever they had, until morning. They brought him back the next morning and asked him these questions again, and he never gave any kind of a reply whatever. He was then fined $20 for contempt of court and sent to jail. The justice told us he (the justice) was about 65 years old, and that for some reason unknown to him he was taken and put in the bull pen and kept there 19 days. That was his statement, as I remember it.—A. It must have been the same case I have in mind, but the version you have had is, I think, a perverted one.

Q. This was the statement of the justice himself?—A. I will say this, that in all cases where I have thought injustice was being done, as soon as it could be done the remedy was applied.

Q. Now, he claims also that no charge was made against him?—A. I presume when he was arrested the deputy informed him that what he was doing constituted a violation of the law; that he disregarded the law by imprisoning a man on such a frivolous charge as I am informed was made against the unfortunate nonunion man who happened to be in that part of the country at that time. He was probably informed that such acts would incur the displeasure of the State. That would have been the charge the deputy very likely would have made. I have been very careful in the selection and appointment of deputies to get good men, and men who are not afraid to enforce the orders and declarations which are necessary under a system of martial law.

Q. Now, many have been before us and have sworn that they were at work on the day of the riot and know nothing about it, and that they were taken down to Wardner and kept without food or water for from 25 to 36 hours.—A. Well, all I have to say in reference to that is that unless they were sick and unable to eat they are infamous liars. There is no other term to characterize such men; they are infamous liars. On the contrary, the provisions of food and shelter have been very much better than they could have secured in any other prison in the State of Idaho, or, for that matter, I believe, in the whole Northwest.

Q. Some of them stated they were kept in a box car 36 hours; that they begged for water and the negro soldiers laughed at them, abused them, would not take their requests to the officer, and that there was great suffering.—A. That is all arrant nonsense; there was nothing of the kind.

Q. The suffering testified to was right in the beginning, when the box cars were used for prisoners?—A. That must have been the early part of May. The question confronted me right there whether it would be best to crowd these men in a very large barn, a 2-story barn that had been cleaned and properly arranged for the reception of prisoners, or whether it would be better to keep them in the cars until we built a stockade, what is now known as the bull pen, which I hope you gentlemen will see to-morrow. And I thought it would be better to keep them in the box cars until everything could be arranged, although if they preferred they could go in the barn. Of their own choice a number of them remained in these box cars, but just as soon as accommodations could be made for them elsewhere it was done. I never even heard of any complaint as to the lack of food or water until this present moment. If there was anything of the sort I know it must have been in the beginning; that is, when the crowd came in. I

went around among them, visited them in prison and at the box cars when it was at all possible, and inquired if they were getting what they wanted to eat, and as for drink, they could have had all the water they wanted. I don't think it was water they wanted.

Q. We have had numerous men before us—they seemed fair, and would naturally make a good impression anywhere—who have said that in the beginning they were taken down, say, one afternoon, and had no food or water until the next afternoon.—A. I don't know anything about these men you speak of. Were they arrested in the crowd?

Q. They were in the general gathering in.—A. Well, it is absolutely false.

Q. (By Mr. RATCHFORD.) Were they fed in the box cars?—A. No.

Q. Were they allowed to go out of the box cars at all?—A. Yes.

Q. And out of the other places in which they were imprisoned?—A. Yes; they were allowed to get out and take more or less exercise; and that was one of the reasons I thought it was more agreeable for them to be in the box cars than in the barn.

Q. (By Representative BELL.) Well, numerous ones have testified that in the beginning they were confined in these close places.—A. The doors were all opened between.

Q. They claim that they were not permitted to go out to answer a call of nature.—A. That is false.

Q. And that they were compelled to perform these offices right in where they slept.—A. That is false, absolutely false. These men—you can tell by their bearing that they are not modest, and that they would not have tolerated anything of the sort without making a complaint. They are men who were not afraid to speak freely. They are not a class of men who are accustomed to holding their tongues. There was no intimidation; and this is the first time I ever heard these complaints.

Q. These same men didn't hesitate to compliment the subsequent conduct, and many of them didn't claim that anything occurred with them personally, but that it was with others. They claimed that the negro soldiers in the beginning were very tyrannical.—A. I never heard about that. I saw some newspaper talk about it, but I could not see anything that would justify that complaint. If there was anything of the kind I never observed it. They were instructed in the enforcement of their orders, and cruelty was not practiced—not under my observation. I didn't see anything approaching it on the part of the military authorities, and I think these gentlemen who were before you must have misrepresented the situation entirely.

Q. (By Mr. RATCHFORD.) Were any of the men bayoneted by the troops at any time to your knowledge?—A. No; nor to the knowledge of anyone else.

Q. You are sure you would have learned of it?—A. I don't hesitate to swear that nothing of the sort ever occurred.

Q. (By Representative BELL.) One man swore to it that they kept him and another man in the guardhouse for 5 days, forbidding them to speak to one another at all; that they put one in one corner and another in another; that he was well acquainted with his associate and he called him by name and started to say something to him, and a negro ran in with a bayonet, and while he didn't strike him he warned him that if there was a word passed between them it would be very hard with them, and that they were kept there for 5 days, and while the order was never withdrawn they gradually got to talking, and by and by there was nothing said about it?—A. I don't know anything about that. How these men got their relative stories or their information I don't claim to know. That is something I never heard.

Q. Is it not possible that among a great many men like that many things of that kind might have happened that you would not have heard about?—A. It may be so if there was any desire to keep it from me, but there was no disposition on the part of the troops to keep anything secret from me. I can not conceive of any reason why they should.

Q. The story came before us to-day that a man working in the kitchen was ordered out to work on the house, and he replied to the negro who ordered him out that his orders were to work in the kitchen and the negro ran him with the bayonet; that while it didn't cut his flesh, it went through his clothes and cut his suspenders. Did you ever learn of that incident?—A. I hardly credit these things, I never heard of it at all. When I have heard of any complaints, I have looked into them to see just what occurred, and, as I stated before, I don't think that anything of the sort could have happened without my hearing of it. The complaint would have been made to me directly, and I should have reported it at once to the military authorities and the subordinate would have been properly punished.

Q. Are you very well acquainted with the nature of the colored man?—A. Yes; I ought to be; I am a native of South Carolina. I know him very well, indeed.

Q. Is it not his nature, if you give him a little authority, to be inclined to abuse it?—A. I have observed that in cases; yes.

Q. Some of these persons before us, complaining of the conditions, gave apparently sincere evidence. They have detailed some great indignities, and they appeared like good men.—A. It must be borne in mind, in vindication of the United States troops, that the arrests were numerous and that the men arrested were not used to restraint. Anything approaching discipline impresses them as an indignity, and they were more apt to make complaint at first than later, when they became somewhat reconciled to the restraint which an imprisoned condition imposes. That is the only way I can explain the frequent charges made against these troops.

Q. Might it not be that the soldiers at that time, from the character of the men they thought they were dealing with, thought they would have to be very harsh?—A. I don't know. I don't think, so far as my observation went, there was any conduct which could be characterized as unduly harsh.

Q. You say if these abuses occurred it was without the knowledge of the main officers?—A. They were without the knowledge of those in my immediate confidence or the officers, I am sure.

Q. (By Mr. RATCHFORD). Have you an attorney-general in this State?—A. Yes.

Q. Is it not the duty of the attorney-general to look after matters of this kind?—A. Yes, and he is performing his duties very faithfully.

Q. When a disturbance arises in any part of the State is it not one of the requirements of his office that he take the matter in charge under the State troops?—A. No.

Q. The adjutant-general, I should say?—A. No, not necessarily. That is a matter for the governor to delegate to whom he pleases.

Q. Has the adjutant-general not the control of the State troops under the laws and constitution of your State? Is he not the natural commander under the laws and constitution?—A. He would be, but you must bear in mind when this unfortunate affair occurred we had no troops; the State of Idaho was without troops; the State troops were in the Philippine Islands; we had sent them all there. It has been suggested that this outbreak occurred because it was thought it was a most opportune time.

Q. You had no troops in the State?—A. None whatever; not even a company.

Q. The governor of your State applied for the Federal troops, did he?—A. Yes.

Q. In that event was it not naturally the duty of the adjutant-general to take charge of the situation?—A. Not at all.

Q. He is supposed to command the State troops, is he not?—A. But not the Federal troops.

Q. Did the officers of this county apply to the governor for protection?—A. On the contrary they would not even reply to our telegrams for a fair statement of the conditions up here, and we came to the conclusion the wires were cut.

Q. (By Mr. KENNEDY.) Is it not your impression that this destruction of property was not expected?—A. The night the troops came in I was prepared for another attack by the dynamiters from Canyon Creek. The troops must have come in on the second. There was a rumor that we had caused the arrest of one man—that was the first arrest made—who had been seen in the mob masked, and the rumor spread abroad at once that the men who had blown up the mill and killed these two nonunion men were coming down from the canyon to capture and retake this prisoner. At first I tried to convince the people that there was nothing in it. I was then at Wardner. But they seemed to be more familiar with the desperate character of these men than I was, and told me it was very unwise to remain there, and that they would not do it. So, to be on the safe side, I informed the commander, Captain Boehelor, that such an attempt might be made. He had 75 soldiers. I also sent word up the canyon for all the able-bodied men to secure arms and be ready to come when they were called, and if the matter developed into a first-class warfare we would be prepared for them. That apprehension prevailed for two or three hours. I tried to communicate over the wires, first by telephone and then by telegraph, with Wallace, but the wires had been cut or broken. It afterwards developed that a tree had fallen and broken the wires, and we could not have any communication with Wallace. That gave the apprehension weight. We then felt pretty sure that it was the general plan of their campaign to cut these wires and come down on us as they had done before. We sat up until 1 or 2 o'clock in the morning, and kept some armed men there in case they came down, but they did not come. The next day I had a little uneasiness. I saw 20 men scaling

one of the mountains, I could see them quite distinctly. They were armed but not masked, and I thought perhaps that foreboded evil and kept ready to be prepared for them if they called. With the exception of these two incidents, I never really anticipated an attack of any sort.

Q. And these two exceptions proved to be simply suppositions?—A. Yes; that is all. Nothing came of them. There has never been any attempt at violence since I have been here.

Q. You stated at the beginning that the local or county authorities here made no attempt to arrest any of the violators or criminals?—A. None whatever.

Q. And that, to some extent, justified the action you have taken?—A. Yes. I will say that is one link in the chain.

Q. How much time had elapsed between the time martial law was declared and the arrival of the troops here?—A. I think martial law was declared on the 3d or 4th.

Q. The soldiers arrived here before the declaration of martial law, May 2?—A. Yes.

Q. The time that intervened between the commission of the crimes and the arrival of the troops was rather short to expect arrests, was it not—from April 29 to May 2?—A. I will say this: The general supposition prevailed that martial law had been declared a day or two before it really had been. That impression I never corrected; I did not see the wisdom of it. I did nothing to correct that impression or to give it weight or currency.

Q. Was it reasonable to expect a large number of arrests between the time the crime was committed and the time the troops arrived here?—A. There might have been some arrests made if the sheriff had had an ordinary amount of courage or ability. He might have had a great many arrests made if he had known his duties and had not been an absolute incompetent. If the county commissioners had been worthy of the name, there would have been some steps taken to arrest these men, and we would have been in better shape to-day for the conviction of many of the really guilty parties than we are. They permitted them to escape, and, I believe, knowingly. I exempt no county officer, with the exception of Dr. France and the recorder, who, I suppose, knew nothing about it.

Q. And since the Federal troops have been here, since the 2d of May, if I understood you correctly, no further destruction of property was contemplated?—A. I will not say contemplated, but not attempted.

Q. You have heard it rumored, but those rumors were unfounded?—A. They developed to be unfounded.

Q. That being the case, I will ask you why the Federal troops are retained here?—A. Their object is to maintain order and assist the State authorities in the protection of personal rights and property rights, which, I think, would be impossible without the troops.

Q. You believe that?—A. I fully believe it. Personal and property rights would be endangered without the troops.

Q. And law and order would be jeopardized?—A. Yes; jeopardized.

Q. Without the troops?—A. Yes. If the troops had been withdrawn I believe that many of the citizens who to-day give dignity to the laboring fraternities of the Cœur d'Alenes would have been obliged to leave.

Q. You spoke of prosecuting the violators of the law so far as it is possible to apprehend them, which, I presume, no good citizen will object to; but let me ask in that connection whether you find it necessary, in order to do this, to incarcerate men in prison for various periods—from 1 day, I believe, to 70 or 75 days has been the testimony we have received—without preferring a charge against them or giving them a trial?—A. On the contrary nothing of that sort has been done. Just as soon as the grand jury could be found and the courts set in motion these men were indicted. Those who were not indicted were either permitted at that time to go or had been discharged before. As soon as their case could be reached they were discharged. The men there now—the men there since the court convened and the grand jury returned its verdict—with the possible exception of two, are either under indictment or awaiting the action of the grand jury.

Q. Have you not had some cases where men have been incarcerated for 76 days without a charge being preferred or without a trial being given?—A. I know of no such case.

Q. Would you know of such a case if it occurred?—A. I think I would. The question of not being charged with a crime seems to hurt some of them very considerably. I know of no case of that sort at all. They have made complaints to me that they were not charged with crime. One of them, I regret to say, was under indictment for murder at that time, but it was thought best not to make that public; and the unfortunate man complained bitterly because he was not charged with crime. It was thought to be in the best interests of justice to keep

that secret for a very short period, not more than a day or so. Of course, you understand the duties which I have had to perform have kept me on the jump all the time. My duties have been various and onerous, and of course some particular thing might have existed and I would not know anything about it; but I was going in and out of the prison all of the time, and I think such a thing as you have mentioned would have come to my attention; and while I say I don't believe that there is such a case, or anything approaching it, it may be that while I know of no such case it might exist. The attorneys would know more about it than I do. It may be that when the grand jury made its report, men might have been held there, as is frequently done in civil courts; the grand jury may have failed to return their bills and they were held; that may have been the case.

Q. (By Mr. MANTLE.) Were you holding these prisoners to await action by the grand jury?—A. Some of them.

Q. Is it possible that prisoners are now held who still believe that no charge has been preferred against them, but who are indicted?—A. No. They understand the situation now, since the grand jury reported and Federal Judge Beatty made an order for all prisoners indicted in the Federal courts. Here is another thing you must bear in mind, that something like 300 or 400 indictments issued from the Federal court against these men here in this district. These men are held as Federal prisoners, and as I have been representing the State of Idaho, assisted by the Federal troops, we took them and are holding them for the Federal court.

Q. Do they know that?—A. Yes; they know that. There are over 400 indictments of the Federal court against these men.

Q. (By Mr. KENNEDY.) Is it not a fact that some indictments have been returned by the grand jury which have been sealed up and are not known to the prisoners indicted or to the public either?—A. Yes; that is always the case in civil courts—in this court, and in the Federal court, and every other court in the world, I presume.

Q. About 18 of these indictments?—A. Yes; and a great many more than that; I presume there are two or three hundred. It would not be well to let the public know, because these men would get away.

Q. As to these two or three hundred indictments, are any of the men now in the pen?—A. They are under indictment, the bulk of them, I presume; just how many are not, I don't know. For instance, there is 1 man in prison there for improper use of the American flag. He draped it and hung it at half-mast. That was a military arrest. He is now kept there. There are others there for inciting a violation of the proclamation and orders and laws existing under the martial law. There are many conceded desperate characters held as military prisoners—men resolved to defy and oppose martial law. Some of them while at large urge military opposition, and their freedom is dangerous to the district.

Q. Are the great bulk of them indicted by either the Federal or the circuit court?—A. Yes; I think I can say a great many of them are. I know of none except that one I have spoken of and one man that was arrested here recently for inciting some of the newcomers to resist the laws of the State; that is made a crime under our statutes, and those are held as military prisoners.

Q. (By Mr. RATCHFORD.) Have you at any time called upon any of these prisoners and intimated to them, directly or indirectly, that they might have their liberty if they would give certain testimony against certain other men?—A. No; nothing of the kind. I trust no such intimation has been made or will be made.

Q. Since testimony has been has been given along certain lines, I thought it but fair to give you an opportunity to refute it.—A. And I ask you if such a charge has been made?

Mr. RATCHFORD. I think so.

The WITNESS. Are you aware of it, Mr. Bell?

Mr. BELL. I don't remember.

The WITNESS. No; I don't think you do.

Mr. RATCHFORD. I think such a charge was made.

The WITNESS. I would like very much to see it.

Q. (By Mr. RATCHFORD.) It was not given by witnesses; it was given in an informal discussion. Was it done by any subordinate officer, to your knowledge?—A. No. I have treated these men with the greatest courtesy and greatest consideration. I have put no improper question to them, and I would not even permit any of them to incriminate themselves. Everything was conducted with the greatest deference to law and order. These men have come to me and broached the subject of turning State's evidence, and I have warned them of the consequences if they did it. I have always done that and these things ought not to be intimated against me, because it is entirely unfair. I want to be fair with everyone.

Q. You stated that during the time in which crime has been committed to some extent, in no instance, so far as your knowledge went, were any of the perpetrators of those crimes discharged or punished by the mining companies.—A. I never knew of a man being discharged.

Q. Have you talked with the mine owners in that regard?—A. I can not say that I have; but I think if there was anything of the kind ever done I would have known of it. I took that for granted, so far as I am familiar with the situation.

Q. We have testimony from both sides, and it is very full, and in one case a mine owner testified that some men were discharged by him on the supposition that they had committed crime.—A. Are you referring to the Bunker Hill and Sullivan discharging union men?

Q. I refer to what took place probably 4 years ago.—A. I was referring to this particular time. I don't know anything about that. As I told you, my acquaintance only dates from my arrival in the Cœur d'Alenes.

Q. When was that?—A. The 1st of May.

Q. Then you can not state whether or not these violators were punished by discharge prior to that time?—A. No; I have never heard of a case. It is a statement which I have accepted as the truth.

Q. You spoke of the number of men who took part in the destruction of that property being from 1,000 to 1,200?—A. That is the accepted number. I think there are some who could testify on that point with greater accuracy than I could; some in this room, who saw the crowd.

Q. Do you think that a large portion or any portion of them was there as sightseers?—A. I have come to this conclusion: At first I was of the opinion that a great many innocent men came down, but as the evidence has developed I have come to the conclusion that the number is not so great as I had at first thought. I believe that the ringleaders brought down a great many men under the false assumption that no crime was contemplated, for the purpose of concealing their actions in the crowd, and by the mixing up of these unfortunate fellows in the crowd. There is no question but that there was a large number of men who were innocent and who were ignorant of what the unions had resolved to do. I believe that thoroughly. There is no question in my mind about that.

Q. But you are satisfied the unions had taken action along these lines?—A. I don't doubt it.

Q. Can you prove it by any resolution or anything they have done?—A. Absolutely; yes.

Q. Could you supply it to this commission?—A. I would be pleased to. I would refer you to the trial of Paul Corcoran, which has just terminated with his conviction. I shall be pleased to furnish the evidence. There is no question about it.

Q. I don't know that it is the evidence in that case that we want. We want positive proof from you. We want what you believe to be true.—A. Well, I am telling you that I believe it was a criminal organization. I have no doubt of it. The evidence in the Corcoran case proves it. There is no longer any doubt in my mind. That evidence proves it to any impartial mind.

Q. Have you at any time calculated as to the real number of violators?—A. No; I can only form an opinion. I should say in a general way that there must have been at least between 300 and 400 who ought to be convicted of murder in one of the degrees, or for arson, and perhaps 700 for conspiracy.

Q. (By Mr. KENNEDY.) You, as the representative of the governor, I take it, and not General Merriam, are responsible for all that has been done under the changed condition of affairs in this county, are you not?—A. I should not want to make that statement.

Q. Why I asked you the question is this: There is a great deal of abuse heaped upon General Merriam in different parts of the country for what has been done here. I only wanted to know whether you, as the representative of the governor, are responsible for what has been done?—A. I think I understand the question. There has been no order that I have made that General Merriam has not carried out. I know of no public act of his wherein he has failed to carry out any request that I have made of him. I know of no single instance where General Merriam has done anything more than to preserve the peace and protect the authorities in the execution of the State laws.

Q. In short, then, General Merriam has carried out the policy of the State officials?—A. He has certainly carried out every request that I have made of him. I will say that I know of no instance where he has gone beyond it. He informed me when he came what his instructions were from the War Department, from the Secretary of War, and I have kept within the lines of those instructions, and have asked him to do nothing that was not strictly in accord with the instructions.

Q. And when the military régime shall be abolished in this district, it will be when you and the governor believe that the county officials can take care of law and order in this country?—A. Well, I will say this, that I think the governor will be largely influenced by my suggestions and my advice in this matter, and whenever I think the circumstances are such that the law-abiding citizens and property are safe, and these men who have shown a spirit of restlessness in the situation here have departed to other parts of the State, and the others here are free from concerted action or attack, I will urge the governor to raise martial law, as I urged him to declare it.

Q. Speaking of the proclamation, you say it was very largely your work, and partly the work of Judge Lindley and the governor?—A. No; the governor was not here at the time. I discussed it informally with Judge Lindley, who, by the way, was acting in the place of the attorney-general, who could not leave Boise, owing to business of a very pressing nature; and both he and myself requested Judge Lindley to act in his stead; and it was in that capacity that I consulted him as a State official, and we discussed it very informally, and I asked him if he would not relieve me of the necessity of devoting half a day to it when my time was taken up both night and day in the consideration of the comfort of these prisoners, and framing the application for the permits, etc. Dr. France also gave valuable suggestions, as he had been here through the riots of 1892; and there were others also that I spoke to about it. I wanted it to be as comprehensive as possible, and at the same time I didn't want to be harsh. I was aiming all the time at these miners who had committed the crimes and mine owners who would likely employ them, and no one else, and I think the work has been very successfully accomplished thus far. I am perfectly satisfied with the permit system. It has accomplished what I believed it would.

Q. I mean the proclamation itself?—A. They were both gotten up at the same time; contemporaneous act.

Q. Did General Merriam have any part in the composition of it?—A. No. I will explain that. (Reads from proclamation): "Examined and approved, H. C. Merriam, Brigadier-General, United States Army. Dated May 8, 1899." That came around in this way: When General Merriam attached his name to that, my understanding was simply that he examined and approved with a view to protecting the State's agents while enforcing it as a State law necessarily. In approving this at this time it was not known that the Federal Government would recognize and enforce it. There was nothing against any law known to the United States. That is all there was to it. It met with his approval for the purpose of protecting the States deputies from violence while engaged in carrying out the law of the State. There was nothing more significant than that embodied in these words, "Examined and approved." He had nothing more to do with it. It was for that purpose alone that it would meet with his approval, so far as the enforcement was concerned. The State attempted to enforce it, but the powers were insufficient here at that time, and the Federal troops were brought there to aid the State in enforcing the law. It has no other significance whatever.

Q. Was Judge Lindley, who participated in the composition of it, also the attorney for the Bunker Hill and Sullivan Company?—A. He was; yes. He was one of the mine owners' attorneys who came up here looking after the interests of the company, and to assist the State in prosecuting the criminals.

Q. Do you know whether it was true or not that many miners were arrested just as they came out of the mines with their rubber suits on and soaked through to the skin, and were thrown into the bull pen in that condition and obliged to sleep in wet clothing?—A. There is absolutely nothing in it.

Q. Men have sworn to that before this commission?—A. Then they have sworn to a falsehood. There is nothing in it. All orders were, and I think they were carried out implicitly, that whenever arrests were made, men were to be given the privilege of getting their blankets, because the State had none to offer them. That was the order, and there were very few instances where the men didn't bring their blankets, and in cases where they had none the State was unable to furnish them, as the State had none at the time. I knew at the time these men were arrested that some of them would have to be discharged. I did not believe it was right for the State to furnish new blankets or new suits of clothes or anything of that sort for but a few hours' or a day's imprisonment, which I deemed absolutely essential under the condition prevailing then. You can hear almost anything you want to, to tell the truth.

Q. Testimony was given here that the men were arrested in that condition, just as they were taken out of the mills and mines, and were taken to the bull pen in that condition?—A. I don't know anything of the sort. I never made an arrest myself, but I knew of no other way to bring these men to a proper punishment excepting by arresting this vast crowd; of course I knew some innocent

men would be arrested under those circumstances. These are the ones I presume who have told you these stories. I think this was the only reasonable way to bring these men to justice; I did not know of any other way. If a man was brought there in that condition, I didn't know it, and I hope there was not.

Q. Did the State arm and equip a full company of militia, from men in the employ of the Bunker Hill and Sullivan Company?—A. I only know of two companies that were equipped by the State, and this was before the present administration; and the union men stole their guns, and they were not equipped after that. I don't know of any other company that was ever equipped up here by the State, unless it was when these soldiers went from the Bunker Hill mine. I have heard this—I don't state it on my own account—that there was not a man from the Coeur d'Alenes, outside of men from the Bunker Hill and Sullivan employees, that enlisted for service in the Philippines.

Q. That was a company of the State militia, already in existence?—A. No; I understand not. When the President made his call for troops for Philippine service the Bunker Hill and Sullivan men joined to the extent of a company. That is what I heard.

Q. (By Mr. RATCHFORD.) You give it to us for what it is worth?—A. I think it is true. I hope you gentlemen will free your minds of the impression, if such an impression has been created, that the State has any particular sympathy for one company or another in this thing. So far as I am individually concerned, my sympathies are not with the Bunker Hill and Sullivan Company any more than with any other company, beyond the fact that they have lost their property. But the State does not give a snap of the finger whether the Bunker Hill Company lost its property or the Tiger-Poorman; that is, neither one way or the other. It is the criminals we are looking after. It has been my business to keep that in view all the time. Which company may have lost property cuts no figure whatever with us. Our duty and mission is the preservation of the peace and the apprehension of the criminals. It is the criminals we are after, and not an adjustment of the labor troubles; and while we would like an adjustment of them, we can not force men to arbitrate their differences. We would like to do it if we could. We would like to see an adjustment of the differences.

Q. A prominent citizen of this State has informed me, and I believe another member of the commission, that it was the policy of the State to discharge a batch of men from day to day in the hopes that they would leave the country, and for the purpose of impressing upon them this idea of leaving the country occasional rearrests were made. Do you say whether or not that is the case?—A. It is absolutely false. I don't care who the distinguished gentleman is who made that statement. Subordinates have created the impression, perhaps, that certain men were thus advised, but whenever I have been able to discover that, I have made the suggestion that if they would leave the State their chance of apprehension was very much greater. I have frequently given these men the impression that I did not want them to leave the State; that I wanted them here after they left the prison, and if they were at all fair and if they had occasion to speak of it, they would tell you the very same thing. I have told them that they were as much entitled to remain here as any one else. I have told them that in private, and it has been made public that there is no disposition on the part of the State to run these men out. If they are good citizens we want them here. And I would rather see the old miners resume work than to see newcomers brought in. That is my honest conviction of the matter. But if they can not comply with the regulations and orders I don't want to see them in the mines. There is nothing in that; it is false; they have never been requested to leave the State, and it has never been suggested to them. I recall now an instance of a member of the legislature, who was one of the unfortunates to be brought down in the drag net; he was lately a president of the Burke Union; a man by the name of Miller. I felt it was my duty to call his attention to repeated complaints that had been made by law-abiding citizens in the neighborhood, that he was urging people there to resist the State so far as possible; that the Federal troops would be withdrawn, and then they—the union men—would be on top; that the State was on top now, but that the union would be on top in a little while. I heard that and told him he was all wrong, and that I expected something better from a member of the legislature than that sort of stuff, and his best plan, if he had any, was to advise men to uphold law and order. He said he did not do those things; that the complaints were false, and that he never said anything of the sort. He said he had made up his mind to leave the State and go to Oregon. I told him that I would be very sorry to see him leave the State, and that I thought he had better stay right where he was, and in time he would see the wisdom of all persons here taking out a permit and going to work again. He rebelled a little at the word permit, but finally said he would sign the permit if I would permit him

to tear off the heading, which he thought was very obnoxious to his sense of freedom. He wrote out something like this application for permission to work, but which I didn't feel disposed to accept, and I thought that if that was his only objection to it he would come around and sign it; but I have not heard from him since.

Q. Several witnesses before the commission, some of them not miners, who have been arrested and placed in the bull pen, have stated it as their belief that politics have had a great deal to do with what has happened in this county since the blowing up of that mill. They say this county gave a large Populist majority against the present governor, and they expressed it as their belief that the governor intends, by the removal of the county officers and by running these people out of the country, to exterminate the Populist majority in this county; and that 90 per cent of the men who have been in the bull pen are Populists?—A. Well, all I have to say is that I am sorry for the Populist party if they have such a large representation in prison. But there is absolutely no politics in this thing. Now, in order to free the governor from that, I want to say that the governor knows nothing of what is being done here, unless he has had the power of reading my mind in advance at very long range; he knows nothing about what has happened here; I have been here representing him, and what I have done he has approved. He knew nothing of what was to be done until after it happened. We have never discussed politics of any character pertaining to this affair, or any other affair, from the time I came here until this present moment, with the exception of a conversation of less than ten minutes, concerning something of a national character, but nothing whatever to do with this at all, absolutely nothing. And to give that force I will say that I am not very much of a politician; I don't know what the majority received either by the governor or by myself was, or what majority our opponents received in this county. I don't know how he ran and I don't know how I ran in this county. I assume that we did not get a majority; I don't know what the vote is; I am not positive how this county went, or how many votes were cast. I know they elected an auditor, who was a straight Republican; Dr. France, who is a Republican, I believe—I am not quite sure—was elected coroner. I don't believe he knows himself, but I think that he is a Republican, although I never heard him say. So far as the strength of the Populists here is concerned, I don't know anything about it. I never came up into this country to make a campaign, so far as politics are concerned. Now, in the appointment of the commissioners, until after they were appointed I never knew the politics of but one, and he was a Democrat; and I happen not to be a Democrat. I didn't know until within a week or two before my departure from Boise this last time, perhaps 10 days ago, the politics of the sheriff. I thought all along that man was a Democrat, but it turns out that he was a Republican. I doubt if the governor knew what his politics was. I have since learned that we have a Democratic commissioner, 1 Republican commissioner, and 1 silver Republican commissioner, and a straight Republican sheriff. I want to say further, in vindication of the governor, that these very gentlemen were his staunch supporters 2 years ago, and all voted for him, but the reason they didn't this time was simply because in the convention the Populist party split up and part of them voted against the governor. I wanted all the silver parties in Idaho to unite, and did everything I could to bring about that result.

Q. (By Mr. MANTLE.) This proclamation possesses no more force in respect to the situation than any other order which you, as a State official, might make?—A. Absolutely none.

Q. That was the objection I raised heretofore, that the application differed from the proclamation, and I suppose that objection would fall in that view of the matter?—A. If you gentlemen should apply for a position in the mines, I should not feel it inconsistent with the orders and regulations and proclamation to permit you to go to work without a permit.

Q. (By Mr. RATCHFORD.) If that be true, would it not also be true of other strangers?—A. Yes; if I felt disposed to do it.

Q. (By Mr. MANTLE.) The situation is simply this: That under the peculiar conditions existing under the martial law here you, as direct representative of the governor, have the situation absolutely in hand and under your control in all respects as to what measures shall be taken to preserve order and a respect for law.—A. My advice so far has been received without question.

Q. So you are practically at liberty to make any order and to revoke any that have been made?—A. I could not expect to do that and receive the approval of sensible men.

Q. You have just said that you could permit us to go to work without a permit being taken out?—A. Yes. That would not be an unwise thing, because I believe you are in favor of law and order.

Q. This proclamation, then, is simply an order of the governor made through you?—A. That is all there is to it.

Q. And you could revoke it to-morrow with the consent of the governor if you so desired?—A. I believe if I telegraphed him that the conditions here justified its revocation he would do it to-morrow.

Q. That removes the impression I have been carrying that this proclamation was fundamental in its character; that it represented organic law, if I may use that term, in respect to the situation here. If it did, I held that the application for the permit exceeded the authority upon which it was based, assuming that this proclamation was fundamental.—A. Martial law permits methods of this sort to be adopted and approved. I can not now recall a precedent for this, but I hardly think it is without a precedent. Civil law is not a thing rejected by the State in this case, but it is the want of civil law here. These men—lawless men—who have committed crimes here have reached out into such a large body that the county government is without civil law. I might say they have no government here at all. Now, then, the next best thing is to devise some means to restore order, notwithstanding the opposition and abuse of people who have been in the habit of committing crimes in the Cœur d'Alenes with impunity. If this proclamation and these orders of ours are unwise, it is nothing more than you will find on the statute books frequently. You find numerous laws like them. That is all there is in that.

Q. The fact that martial law exists presupposes extreme measures?—A. Yes.

Q. It presupposes that civil law is incapable of reaching the conditions or correcting them?—A. Yes. The saloons have been closed on Canyon Creek because men who have had any experience in the affairs of the world know that crimes of this character are frequently hatched in the saloons. That is the common history of the Cœur d'Alenes, and it has been thought wise to close them until such a time as order is established here and they can be kept open and run without undue restraint.

Q. That is usually one of the first orders made under martial law, is it not—to close the saloons and to disperse unlawful meetings?—A. Yes.

Q. The effect of these orders must necessarily be to destroy the miners' union organization in the Cœur d'Alenes as they have existed?—A. Yes; this particular union. The State is very desirous of seeing unions here without this criminal feature, this criminal element, and will go to any extent to facilitate the organization of labor in the Cœur d'Alenes. If the good miners and good men will organize we can not see any objection to it; but we don't think that any body of men has any right to go beyond persuasion; we don't think they have a right to destroy property; and if they do it as organizations we think the time has come when they ought to be destroyed, and that is the reason why we are obliged to adopt these measures. It is not the first time that the Cœur d'Alene unions have committed murder and arson as an organization.

Q. You agree that the effect of these orders must be to destroy the present miners' union of the Cœur d'Alenes?—A. I am free to admit it was devised for that purpose—this particular union. I would not agree to the construction that we wish to restrict unions; it would be doing the greatest injustice. Until recently Governor Steunenberg was a laboring man himself, and a member of the typographical union; and the mine inspector, Cixic, is a member of the miners' union, and the Western Federation of Miners at that; and I know of no member of the present administration who at one time in his life was not a working man and until recently worked for wages, and their sympathies are all with the laboring men; but the State can not endure these revolutions happening here every 3 or 4 or 5 years; the State does not wish to and can not stand the expense of suppressing these riots. It is now suffering from the expenses incurred in suppressing the riots in 1892. I am sure that if you gentlemen have the sympathy which you are credited with, you will have a little sympathy for the State in this matter. You all know the topography of this country. They go into the mountain fastness; they come down and surprise the people, destroy their property, kill people, and go back; and these things occur whenever they feel disposed to engage in a riot.

Q. From your point of view, keeping in mind the existing conditions, you have seen nothing in these applications and orders repugnant to the idea of American citizenship or manhood?—A. Nothing whatever. On the contrary, it is an evidence of American citizenship, of Americanism, for a man to comply heartily with them. It is a very good way, it is a very pleasant way for a man to show and assert his independence, his love of order and law.

Q. Does it not appear to you, in that portion of it which requires a man who has been a member of the miners' union of the Cœur d'Alenes, to say he believes it to be a criminal organization, that it would work an injustice to any law-abiding member of the organization, who does not believe and who has had no occasion

to believe it was a criminal organization?—A. I can not believe that, because a great many members of the miners' union have signed them.

Q. The application for permit?—A. Yes. I guess all the shift bosses have signed it. I got this information somewhere; I may be wrong. The present shift boss of one of the largest mines in the district was an officer of the Mullan union at the time of this outbreak. He came down to Wardner on the 29th. He has taken out a permit. I believe he is working in the mine to-day.

Q. Then he has declared that he believes the miners' union is a criminal organization?—A. Yes. I will be glad to furnish you gentlemen with a number of names. Dr. France has had more intimate relations with these permit questions than I have, and I will request him to furnish you with a list of the applicants, or rather a list of the members of this union who have taken out permits, and also a number of them who have applied to take them out—former members who have applied and whom we have refused.

Q. That is news to the commission, because the testimony has been, I think, almost unanimous that not one of the former members of the miners' union has taken out these permits.—A. Mr. Murphy, foreman at the Last Chance, which is the strongest union mine in the district, and which was constantly at swords' points with the Bunker Hill and Sullivan men, was one of the first men to take out a permit.

Q. I don't want you to feel, in answering these questions, which may seem trifling to you, that we are doing it for any purpose except to get at the facts. I speak for myself, and I am satisfied I speak for the commission, in saying that as you are the only representative of the governor of the State on the ground, it is felt that as a matter of justice to the governor and to yourself you should be made acquainted with the character of evidence which has been given here, as it reflects, in many instances, upon you; and if any injustice has been done under conditions under your control it is only right that you should know of it.—A. I am very grateful to the commission for asking these questions, I can assure you.

Q. I want to ask you if there has been a case, to your knowledge, in which anyone who was sick unto death in the bull pen requested religious consolation and was denied?—A. It is absolutely false. The moment this prison was established I made a request of the only minister at Wardner to hold religious services in the prison if there was anyone in there who cared to have him do so, and he said he would. I also saw Captain Lovell—I could not see Father Becker myself; he was the Catholic priest. I had an errand up the canyon about a mile or a mile and a half that day, so I left word for Captain Lovell to see Father Becker and to request him to hold services whenever the prisoners cared for it, in the prison or any other suitable place that could be provided, and he told me afterwards that he did that. I met Father Becker on the grounds of the place perhaps a hundred times after that. And as for the other gentleman, I think he told me that he held services there once or twice, and had singing, and I do not know what all. These were things that I could not attend to personally.

I gave strict orders, and those orders were carried out to the letter, that whenever there was any sickness to send for Dr. France, and that they should have every attention; and if the case was a desperate one—I don't mean by that that the patient was about to die—they should give him the privilege of going to the hospital, and the advice of any physician in the district that he cared to have. I understand Father Becker contradicted the report himself—and it was published broadcast in the daily newspapers—that he was ever denied access to the prison; and that this particular case that was talked about a great deal was not one where the deceased was denied the consolation of the priest; and Father Becker, on this particular occasion, told the reporter for the Spokesman-Review that the man was not even a member of the Catholic Church, in good standing, and never asked for dispensation at all. I would like you to question him, because if these charges have been made they can not be substantiated for a moment. I say they are not so, and from an investigation of the surrounding circumstances I don't see how any reasonable man who is at all familiar with the circumstances would ever for a moment make the charge.

Q. Has it ever come to your knowledge that these colored soldiers insulted women, wives of prisoners?—A. Not until 2 weeks ago. I had occasion to visit Burke, and on the way down a lady met me whose name I have now forgotten, and asked me when I was going to release her husband. It seems there was some confusion about the lady's husbands. She had two, and I had released one. I told her I had released him, but she said: "No, that was my second husband." I told her I didn't know anything about his case, but that I would look into it as soon as I got to Wardner. She then asked me if I knew that those colored troops

I had sent up there were of the most villainous character, and I told her no. She said one of them had insulted her. "Why," I said, "madam, I am sorry to hear that, but the complaint should have been made to the commander. If the soldier insulted you, complaint should have been made to the commander, but I will look into the matter when I return to Wardner." That was the first intimation I had ever received that there had been an insult offered to any woman in the Cœur d'Alenes. The lady's first husband is still in jail, and when the proper time comes he will be prosecuted.

Q. If there had been anything of the sort going on at the bull pen by the soldiers on guard there, would you have been likely to hear it?—A. Yes. Nothing of that sort ever occurred at Wardner.

Q. Do you know who the owners of the Bunker Hill and Sullivan are?—A. I have not the slightest idea, except what I saw in the paper. I had not seen an officer of the Bunker Hill and Sullivan Company, and never knew an officer by name or personally, until I came to the Cœur d'Alenes, or the night before I got into Wardner. As I was at the hotel in Spokane, a gentleman came up and introduced himself. He was Mr. Beale, attorney for the Bunker Hill and Sullivan Company. He said some members of the Bunker Hill and Sullivan Company had been obliged to flee from the Cœur d'Alenes, and were then at the hotel. That was the first time I ever met Mr. Burbidge and Mr. Burch—first time I ever met them or knew their names.

I am very glad you accorded me this opportunity to testify. I had no idea of the scope of the investigation to be made here, and never knew you were here. When I left Boise the governor expected the next day to go to Fremont County where some official business called him, and he had no idea you would be here; and the first intimation I had of your presence was a telegram from Dr. France, which was sent to Boise, and then to Spokane, where I received it. I immediately telegraphed the governor, with instructions to telephone it out to Fremont County. They have a telephone but no telegraph there. The governor would not know anything about the situation—not as much as I would know—and that was the reason he didn't come. It is not that he is not deeply interested in the matter himself, but his duties were of a character that really would not permit him to come then.

Q. (By Mr. RATCHFORD.) With reference to the permit system; have you considered the permit in all of its phases, taking into account its relation to the liberty of contract, the constitutional right guaranteed to every man?—A. We endeavored, before these permits were issued, to consider all these matters.

Q. Upon the statute books is there a law which makes it criminal for anyone to exact from a person as a condition of his employment a promise that he will not be a member of this or that union?—A. That was before me at the time, together with other laws which these misguided men had rejected.

Q. Acting upon the statute of your State and looking at it from a constitutional point of view—the Constitution of our country accords to every man a full and fair opportunity to contract with his neighbor as he chooses—and under your permit system, the employer of labor is denied the opportunity of hiring whom he pleases for such wages as both parties can agree upon, until the party who is about to enter his employ has first been approved, by reason of this permit, by the State.—A. Your statement would be accurate under a system of civil law.

Q. It is your judgment that under the present condition of martial law these things don't take the same form as under the ordinary condition?—A. Whenever it is at all possible, the civil law is applied absolutely in this district. The courts are open, from the lowest to the highest, and all the duties of the county officers are discharged without reference to the military authority or martial law.

Q. When the martial law that now prevails here ceases, is it likely that the same system will be continued in effect?—A. No; it could not be; the courts would not stand it for a moment. It gets its validity from martial law, the law that prevails now in this county; and it occurs to me now, for the first time, that there is a system almost analogous to this in British Columbia under the civil law. No man is permitted there to prospect or work a mine until he has a miner's license.

Q. Is he permitted to enter the employ of any other man without such license?—A. No; I think not; I am sure that he is not.

Q. If you were a mine owner in the Cœur d Alenes and knew that you could secure a sufficient number of men to operate your mines, in whom you had confidence and with whom you could agree, and had a market and demand for your product, would you not consider it rather cruel for the State to step in and deny you the right of employing these men, surrounded as a mine owner is here?—A. No. On the contrary, I would support the State, as every mine owner and, I think, every good citizen in the Cœur d'Alenes is supporting the State to-day.

Q. Are the mine owners in the Cœur d'Alenes supporting the permit system?—A. Heartily. If there is any objection to it I don't know where it is.

Q. Have they supported it from the beginning?—A. I don't want to say here that they did not. I never considered them. I would as soon consult the employee as the employer. They did not know this permit system was in existence until some time afterwards, when they were called upon to abide by it.

Q. Now, you have stated, if I understand you correctly, that if the members of the commission should seek employment in the mines in this district, the conditions of the permit would be waived?—A. I did not say they would be waived; I said I should feel at liberty to do it if I wanted to.

Q. If that be the case you would feel at liberty to waive it in the case of other citizens that you considered law abiding?—A. I would not want to waive it unless there were some strong reasons, because it would not be the part of wisdom to make an exception. That is the only reason that it works as well as it does in this district. There is no friction, absolutely none; and if I am to consider these questions as implying any objection on your part, I want to say it comes with greater force than from anyone I have talked with in this district. It has worked with the utmost harmony and success. I know of no mine at the present time that has any fault to find with it. They are working to the extent they want to, and have so informed me.

Q. The main purpose of the permit, according to what I can gather from your statements and others—and if I am wrong you will correct me—is to deny a man permission to work in the mines who may apply for a permit, if for any reason he is not considered a thoroughly law-abiding citizen?—A. That is one way of putting it. I feel this way about the permits—that the State desires to establish law and order here, and this permit system is one of the ways of doing it; therefore the State should have something to say as to the character of men that may seek employment in these mines. The State has gone to an enormous expense to establish law and order, and the State should have something to say as to whether the men who have made the fearful expense should be allowed to get employment in the district. And there is another thing to which I would like to call your attention. Heretofore in the Cœur d'Alenes it has been necessary for a worker, before he could get employment in the mines, to apply to the unions for a membership, which was a permit.

Q. We have testimony from employers to the effect that such has not been the case, or words to that effect; that men seeking employment have not had to apply to the union for a permit to get work.—A. Their membership is a permit.

Q. We have testimony to the effect that they have been requested to discharge certain men who refused to join the union, but the members say that such is not the case.—A. They wait until they earn sufficient to pay the dues; they are very shrewd in that respect, even in this district.

Q. Then the request was made after they had been working a while?—A. Yes; that is it. I know the history of the unions here. I would not make charges against them unless they were substantiated by documentary evidence.

Q. Coming back to the permit system—the purpose is, then, to exclude the criminal class and to transfer the responsibility from the employers to the State?—A. Transferring it and doing so on the grounds that inasmuch as the State is expected to maintain law and order and protect the lives and property of its people, it should have something to say as to who is employed in cases where the employees have destroyed property and committed murder.

Q. While it is not in the form of a complaint, I simply want to get a clear understanding of it, you know.—A. The State thinks at the present time and under the existing circumstances that it is the part of wisdom to have something to say regarding the character of the men who are employed in these mines; that is all. By the way, these matters must be understood, and I hope any reference heretofore made will be qualified by the statement that it is all true while martial law prevails. When the next legislature convenes it will be a source of some surprise to me if they don't find that the State of Idaho can not stand these periodical outbursts, and devise some law to make them impossible. And, if I am in a position to advocate legislation on the subject, I shall certainly advocate legislation at the convening of the next legislature looking to some remedy.

Q. You spoke of some of your State officers being members of trade unions. I don't want you to think for a moment that I am associating your State officers with the commission of crime, by any means; I should be the last to do it, but I want to ask you if you have ever known of an instance in which the typographical union or its members, in any State, as a result of a wage dispute, ever destroyed property or killed people?—A. No; I never did.

Q. Or made any lawless demonstration?—A. No; I never did.

Q. Do you know that such has not been the case?—A. No; I don't remember any.

Q. With reference to the mining inspector, you said he was a member of the Western Federation of Miners?—A. Yes.

Q. Are you aware that the miners' union of the Cœur d'Alenes is a part of the Western Federation of Miners?—A. Yes, I am perfectly aware of it.

Q. And that they are amenable to the laws of the Western Federation of Miners, and that if they are criminal the Western Federation of Miners is a criminal organization?—A. I could not make that statement. I would not like to make the statement that the Western Federation of Miners had a hand in this affair. I hope the Western Federation of Miners does not approve of these other labor organizations.

Q. The point I wish to make in this connection is simply this: That the miners' union of the Cœur d'Alenes, which is affiliated with the Western Federation of Miners, is as much a part of that organization as any other organization affiliated with it, and if this union is a criminal organization the Western Federation must of necessity be criminal?—A. If they approve of this action on the part of the local union, then I don't hesitate to say that myself. If they knew nothing of it, and I don't believe they did—I don't believe any other unions outside of these 4 unions that were in existence here knew anything about this unfortunate affair—and I am not going to charge the Western Federation with it. I don't believe the Western Federation knew anything about it, and therefore I don't believe they had anything to do with it. I have talked with members of the Federation about it and they all condemn it.

Q. Have you not talked with members of the miners' union of the Cœur d'Alenes who condemn it?—A. No; not one condemns it, but hundreds have expressed to me their approval of the damnable business.

Q. Is it your belief that the miners' union of the Cœur d'Alenes is wholly, as a body, criminal?—A. Yes; I believe it is a criminal organization.

Q. Or were the crimes simply committed by members of the union?—A. I believe it is a criminal organization. I was very loath to come to that conclusion and resisted it and came in here with every sentiment in favor of labor; and the reason Governor Steunenberg requested me to come here and look into these matters was because he knew my entire sympathy was with the laborers, and if he could depend upon anyone for a fair investigation of the criminal charge, it would be myself. I hope to see a strong union spring up in the Cœur d'Alenes, and I don't care whether it is a part of the Western Federation or not, if it does not prove itself to be criminal. I don't care what organization or by-laws it has if it is law-abiding and peaceable.

Q. (By Mr. MANTLE.) You don't desire to have it understood that you consider all the members of the miners' union criminal?—A. I spoke of it as an organization. No law-abiding organization would pass resolutions to meet together and go together on a lawless mission, as they did on the 29th of April, and arm themselves with guns, and mask and go to the city of Wardner as they did and destroy property and human lives. These were orders given to the union, and I think no sane man will come to any other conclusion. As I said before, the evidence is in court—testimony sworn to by members of the union. They received their arms and masks in the union hall; everything was done intact. These acts were the acts of the union. I hope, as I said before, that an organization will be formed here, a strong organization, and one that is determined to promote the welfare of its members, to increase wages and to stimulate better feelings between employer and employed, and all that sort of thing, and I hope they will become a part of that strong organization known as the Western Federation. I hope they become a part of it; that is, provided there is no sympathy or active participation by that federation in these crimes, and I don't think that was the case. The sooner I see that—and I think I speak now for nine-tenths of the people of the State—the better I think it will be for this district, and I think in that I speak for every member of the present State administration.

Q. (By Mr. RATCHFORD.) I have one more question to ask you in reference to the action of Governor Steunenberg: Did the governor or yourself or anyone acting under him make any effort to preserve peace in the Cœur d'Alenes by deputizing home people, people from every part of this county, or the other counties of the State, before calling in the troops of the United States?—A. The governor has no such power, under our laws, to deputize men from counties; that is the duty of the sheriff, who should have done it; that is one of the acts of incompetency and neglect of duty that is charged against him which led to his removal.

Q. And in the failure of the sheriff to deputize men in his own county and maintain law and order, does it not devolve upon some other officer to do it?—A. No; it is in the hands of the sheriff entirely, and he, of course, is supposed to be a man of honor, but in that we were thoroughly deceived. Young had no manly instincts

at all, and I consider him—I don't say this because the gentleman is not here; in my first conversation with him I told him exactly the words I use now, that I considered he was a very unmanly officer and that he had disgraced the position he held. All this testimony is in the courts and the correspondence between the governor and the county authorities. The law requires in a case of this kind that the sheriff shall apprehend the criminals; that if he can not cope with the situation he shall notify the State officers; but in this case he did nothing of the sort, and all our information came from private individuals. A short time before the mill was blown up the governor telegraphed to the sheriff and the sheriff answered that he had the situation thoroughly in hand. The real information came to us from a gentleman living in Portland, Oreg. So you can see the attitude of the sheriff here.

Q. The question I would like answered is whether or not the governor exhausted all other reasonable powers at his command before he called upon the Federal authorities?—A. He had. You will recall I told you we had not a single company of the State militia in the State; they were all in the Philippines, and the arms we had here had been stolen by the union. There is no question about it. We had to resort to other means. I wired to Wardner to find out if there was any ammunition there that could be used, and they sent back word that there was not.

Q. These arms were stolen by the miners' union when?—A. In 1895.

Q. What were the arms?—A. Rifles.

Q. What were they here for; who brought them here?—A. We had two militia companies here.

Q. The State had?—A. Yes; the same as they had all over the State. The companies didn't prosper, however.

Q. And are we to understand from you that the governor had not the right to call for volunteers, under your constitution, in this county to suppress the trouble?—A. The question is one that can scarcely be answered. Volunteer troops under these circumstances was out of the question. It would have taken weeks and perhaps months to have gotten equipments. It is not a practicable suggestion at all, considering the Federal troops with all the necessary equipment were right at hand. It is not a practical suggestion because of the feelings of the community here at that time, and there are a great many other reasons why it was out of the question and could not have been done.

Q. As a means of preserving order in the shortest possible time it was thought best to call upon the Federal troops?—A. Yes; I think the troops arrived here within a few hours after the request was made. You see we have a military post at Spokane and they were the first ones to come in. It is only a few hours' ride from here.

Q. (By Mr. MANTLE.) Did any one of the mine owners in the district ever protest against the permit system or ask for its revocation?—A. No; not to my knowledge.

Q. (By Mr. KENNEDY.) Several hundred of the men incarcerated in the bull pen have been released under your authority?—A. Yes.

Q. Were many of them members of the union?—A. Yes.

Q. Is it to be presumed that if they were criminals they would have been released by the State authorities?—A. There is evidence of more or less weight against every man, and after I had had an opportunity of investigating the facts I found there was enough evidence to have kept them all there; but the extent of that evidence of course we could not tell, and when the attorneys representing the State arrived I requested them to proceed at once and gather this testimony, and release these men as quickly as possible where their release did not endanger public peace, or they could not be certainly convicted. I did not want to retain innocent men any more than they desired to be kept there themselves. I didn't want them. It was expensive keeping them there. I didn't want to deprive a man of his liberty if he was innocent. We were just as anxious to liberate them as anyone in the world could be, and the only reason they were confined there was because the evidence was very strong against them. There is not a man being held now awaiting the action of the grand jury that would not have been held on the same evidence in your State or in any other State in the Union. The evidence is there against them, and they are held to await the action of the grand jury.

Q. As to these men who have been released after having been arrested on the supposition that they were criminals, if they were released without giving bond the presumption is that they were innocent men?—A. Yes. I feel this way about that: As stated before, I feel confident they could not have been convicted before a jury; I think they have been participants in this conspiracy, but they have been released because we could not convict them. A great many were released on the advice of the attorneys after they had looked carefully into the matter, and after that there was no motive in holding them there and they were released.

Q. Well, the presumption of the people of the county and of the State, and of the people of the country generally, will be that they are innocent men and not criminals.—A. There is no question about that. I was giving you the reason why they were held there; that is all. I am aware and you are that a great many innocent men, whose innocence has afterwards been conclusively proved, have been incarcerated all over the world. It isn't every man charged with crime who is convicted.

Q. Don't you believe it will also leave an impression in the minds of many people that it is imposing a very great hardship upon these men and in violation of their rights as American citizens to impose upon them the declaration that other men are criminals before they are permitted to seek a means of livelihood?—A. No. In fact, I want to be frank about it; while no living being respects public opinion any more than I do, at the same time when I came here I felt it was my duty to see that these criminals were prosecuted, and not to inquire what this person or that person might think about it. Of course I am not indifferent to public opinion, but I made up my mind to see if we could not get these criminals, and I had no time to consider what this one or that one might think about it. The governor is a man of very few words, and most of the correspondence here has been on my part. I think I telegraphed him 20 times where he answered once, which will show the quantity of my correspondence and the scarcity of his.

Q. (By Mr. RATCHFORD.) I want to ask you whether to your knowledge General Merriam has carried out the instructions given to him by the War Department in this case?—A. He has in every instance I know of.

Q. There was no conflict between the instructions given to him by the War Department and the instructions given to him by the State?—A. No; I know of none.

WALLACE, IDAHO. *July 29, 1899.*

TESTIMONY OF MR. L. W. HUTTON,

Locomotive engineer, Wallace, Idaho.

The subcommission on mining being in morning session at Wallace, Idaho, July 29, 1899, Chairman Bell presiding, Mr. L. W. Hutton was sworn and testified as follows concerning the movements of the train which carried the rioters to the scene of the destruction of the plant of the Bunker Hill and Sullivan M. and C. Company, Wardner, Idaho, April 29, 1899:

Q. (By Representative BELL.) State your business and residence.—A. Locomotive engineer; Wallace, Idaho.

Q. Tell where you were on April 29, 1899, and what occurred.—A. I run between Wallace and Burke on the Northern Pacific. On the morning of the 29th, as I was leaving Wallace, my conductor said the miners were all out; not at work. We had done some switching for about 20 minutes, and when we got ready to leave the station quite a number of men were getting on the train, and as we went to couple the engine on the train the conductor said, "Wait a minute; I want to try and get fare of the men on the box cars." About this time 2 masked men got on the cab on the fireman's side, and one of them, looking over the boiler, said, "We want to go right away." The boiler extends back part way through the cab. He said, "We want to go right away; we have no time to wait." I then saw both of the men had guns, and I thought that meant trouble. After we got a little ways one of the men said, "Have you got orders to stop at the powder house?" And one of the men said, "We want you to stop at the Trisco house," and poked me in the back with a Winchester. I said, "All right." I was running about 10 or 15 miles an hour and on the way down one of the men pointed a cocked revolver at me and said that I must stop at the Trisco house. I said, "Certainly; put that gun up. Can't you see I can not do anything facing a gun all the time." We stopped at the powder house about 10 minutes, and went from there down to Gem, and did a little switching. Then we got orders to pull up to the powder house again. We went back to the powder house, as the men were right there with guns and had given me these orders. After we left the powder house we put on three empty box cars that were there, and after we left Gem these men said to me, "You have got to go to Wardner." I said, "We can't go to Wardner. This engine weighs about 115 tons, and we will go through the bridges. Besides, there are trains on the O. R. and N., and we are liable to have a collision and kill 50 men." "It makes no

difference; you fellows have got to go to Wardner," they said. When we got down here we stopped about 20 minutes. They ordered me to ring the bell and blow the whistle, and there were more orders given than a little. They just kept the noise up for about 20 minutes, and finally a fellow poked a Winchester at me and said, "You have got to pull out now." So we pulled out, and went through to Wardner. I got hold of the brakeman at the station here, and said, "Here, you have got to stay on the engine if we have got to go to Wardner." "There is no getting out of it," I said. "We have got to go, and you will have to stay on the engine and flag." I said, "There are trains on the O. R. and N., and we are liable to have a collision." He stayed on the engine and we pulled out over the O. R. and N., through the transfer switch, and stopped at the water tank down there; and they said, "Here, you have got to get out of this as soon as you can. Get out of here." I told them we could not go on until we had stopped to take water; that we hadn't water; so I just stopped anyway. I told them I could not do anything without water. We then went on and flagged all the way to Wardner. We got down there and this work was done, as I suppose you all understand. The men got off there and marched down in line and came back. We were there about 2¼ hours; something like that. Then they gave us orders to come back and we came back. There were masked men all around me with guns, but I did not identify any of them. They were masked, determined men. We brought them back to Burke; ran right through to Burke, and a good many of them got off at the different places where we stopped for them. On the 30th of May I went before the coroner's jury and told them just about the same story as I have told you fellows. It amounts to the same thing, if it is not worded the same.

Q. It is the same in substance?—A. Yes. It ran along, and finally they sent for me. I supposed it was the officers sent for me. I supposed it was to go before the coroner's jury. They told me that I could consider myself under arrest. I asked what the matter was, and the man who came after me said he didn't know. Went down there and stayed about 2 hours in the pen and called for Mr. Sinclair, who was in Wardner. He came down from Wardner and I said, "What is the trouble; what's the charge against me?" And he said, "You are in here for conspiracy." I says, "I suppose I came down here with a gun the same as these men, and packed powder to the mill, and had a hand in blowing it up the same as the rest." He said, "I am not here to judge; I am simply acting for the governor." I said, "Very well;" walked in the pen and stayed there two weeks and was released.

Q. Without a trial or a charge?—A. Yes; without a trial or a charge.

Q. (By Mr. RATCHFORD.) When was that you gave evidence before the coroner's jury?—A. I gave my evidence on the 4th of May.

Q. When were you imprisoned?—A. On the 29th of May.

Q. Was there any effort make by any one of the authorities at the prison to extract any further evidence from that which you had given before the jury?—A. Well, there was some.

Q. Was there any promise made you that if certain evidence should be given you would be given your freedom, for instance?—A. Yes; that was the principal thing.

Q. By whom?—A. Coroner.

Q. Relate in substance, or in detail, if you can, the conversation between you and the coroner.—A. Why he said to me, "If you will go in and identify these people we will give you your liberty."

Q. What is his name?—A. Dr. Hugh France.

Q. (By Mr. KENNEDY.) What did the officials of the railroad say to you about your conduct?—A. On the morning of April 30, Sunday morning—the division superintendent of the Rocky Mountain Division and the master mechanic have their headquarters at Missoula, and they were here, and I went in their special car the next morning about 9 o'clock. I said, "I am glad you came here so I can tell you about my trip to Wardner." I sat down and told them just the same thing as I have told you, except the pen experience. And they said, "We don't blame you about that. It looks to us as if you had nothing to say about it." That is the sum and substance of the talk with the superintendent and master mechanic there that morning.

Q. (By Mr. RATCHFORD.) When you were released from the bull pen, were you released on bond?—A. I was told I was out on a bond of $10,000.

Q. Is that correct to your knowledge?—A. Well, I guess it is a mistake.

Q. Who gave you the information?—A. Forney, the county attorney. He gave me to understand that I was out on a $10,000 bond. In the court they proved to me it was a mistake.

Q. How long have you been in the employ of the railroad company?—A. I have

been in the employ of the Northern Pacific Railroad Company since June, 1883; but not in the capacity of locomotive engineer all that time. I was away one time a year. During this time I was in different capacities. I have run out of Wallace continuously for the Northern Pacific since July, 1887.

Q. Have you been in the employ of the Northern Pacific Railroad Company continuously since 1882, in one capacity and another?—A. Yes; except one year, when I was on the Canadian Pacific.

Q. Has your record as a railroad man been such as to give satisfaction to the company, so far as you know?—A. Entire satisfaction, so far as I know. The proof of this that I can offer is that the Northern Pacific carries a list of every man that is in the employ in train service, and in case anything turns out that you have not done what is right there is a mark against you. It is collected in days. During the time I have never had one day's fine, and there is not the snap of a finger against my record at Missoula.

Q. Did the company, to your knowledge, make any effort to have you released from the bull pen?—A. The company made no effort whatever.

Q. (By Representative BELL.) Was your trip from Burke to Wardner made under duress and force and without your consent?—A. It was.

Q. It was not voluntarily and you did not participate by acquiescence or otherwise in their mission?—A. No.

Q. (By Mr. MANTLE.) Are you a member of the miners' union?—A. No.

Q. Are you a member of the Western Federation of Labor?—A. No.

Q. Are you a member of any labor organization?—A. I am a member of the Brotherhood of Locomotive Engineers, and have been for about 14 years.

Q. In good standing, as a matter of course?—A. Yes.

Q. What time did you arrive at Burke on that morning?—A. About 9.40.

Q. When did you leave there?—A. Ten o'clock.

Q. How many men, in your judgment, got on the train at Burke?—A. About 250.

Q. Were any armed and masked?—A. Yes; some were armed, and those on the train were masked.

Q. How many, in your judgment, got on at Gem?—A. About the same number.

Q. About 250?—A. Yes.

Q. How many of them were armed?—A. Some of them were armed.

Q. And masked?—A. Yes.

Q. How many got on at the next stop?—A. About 200 or 250 got on at the "Y" at Wallace. They walked down from Mullan. They got on at the "Y," just above Wallace.

Q. Were any of those who got on at the "Y" armed and masked?—A. Yes.

Q. Did any get on anywhere between Mullan and Wallace?—A. No. A few got on here, I noticed. We stayed here about 30 minutes, and when we got to within about a mile of Wardner there were some men along the track, and we got orders to stop and pick them up.

Q. Were they armed and masked?—A. Some of them were armed and masked.

Q. How many did you have altogether on the train, when you got to Wardner Junction?—A. I think we had about 1,000 men at Wardner.

Q. How many, in your judgment, of that gang were armed and masked, as nearly as you can tell?—A. There was a big number armed. I could not say, as they were all on the train behind me. But those on the engine were masked. I think there were about 175 or 200 armed and masked.

Q. You saw them get off the train?—A. Yes.

Q. You had a good opportunity to see them?—A. Yes.

Q. Were you impressed by the proceedings that it was a preconcerted action, deliberately planned and arranged?—A. Well, I could not say as to that.

Q. Did they go at it just as if they knew what they wanted?—A. They didn't on arriving there. They were in town nearly half an hour.

Q. I am speaking now of when they seized your train.—A. No; when they seized the train it seemed as if they didn't.

Q. Were the men waiting for the train at Gem when you got there?—A. Yes.

Q. Were they waiting for it at the "Y" at Mullan when you got there?—A. Yes.

Q. Did they look as if they were there by arrangement?—A. Yes; it looked as if it was arranged that they were to go.

Q. What was the character of your treatment in the bull pen?—A. The treatment in the prison was very bad.

Q. Was there any personal indignity offered you, or any cruelty practiced upon you, individually?—A. No; but there was with some.

Q. Which came under your observation?—A. Yes; I saw them come in one time and take the sick men out to go to work, and all of them said positively that

they were sick and under the doctor's care and were taking medicine, but they had to go; the soldiers made them go just the same.

Q. Did you see any of the men jabbed with a bayonet?—A. I didn't see that. They told me about it.

Q. What sort of food did you get?—A. Poor.

Q. Did they give you enough of the kind?—A. Enough bread and bacon and coffee.

Q. Was there any suffering from hunger and thirst?—A. No.

Q. What sort of sleeping accommodations did you have?—A. None whatever. Little hay, and if you didn't rustle blankets you had to go without.

Q. Were you permitted to go out for the purpose of attending to personal needs?—A. Yes; with a guard of soldiers.

Q. Under a guard?—A. Yes.

Q. Were you permitted to take exercise?—A. They let the men out to walk around about an hour.

Q. Were you sick there?—A. When I returned I was sick for a week.

Q. Did you see anyone slapped in the face by the colored soldiers?—A. No.

Q. Did you see anyone struck with a gun?—A. No.

Q. You understand I am trying to find out just what was done. There have been so many rumors that I think it is necessary for us to have any particular instances that occurred and about which you may know.—A. Lots of these things occurred before I was in there. I heard them tell about it, but of course I would not attempt to tell what was done unless I saw it.

Q. Were they compelled to lie in their own filth, so far as your observation is concerned? It was alleged that men were not permitted to go out to obey calls of nature, and were compelled to do it where they slept, and afterwards to lie in it; as one witness expressed it, to wallow in it.—A. Near where I was bunked one morning I saw a mess some man had made in the straw, and I asked about it and he said he was not permitted to go out.

Q. What is your own observation; were you permitted to go outside to perform this act?—A. No; not after 8 o'clock.

Q. Not to obey a call of nature?—A. No; not out to the closet. There was a place prepared down in the corner inside.

Q. You could go there?—A. Yes.

Q. So that there was no necessity for the act of this man?—A. I don't think there was.

Q. Did any instance come under your observation, or are you reliably informed as to the alleged fact that these colored soldiers ever insulted at any time the relatives or wives or members of the families who came there to see the prisoners?—A. No; I didn't observe that.

Q. You don't know of any such case?—A. No.

Q. (By Mr. KENNEDY.) Were you fully impressed with the fact that if you didn't obey the orders of the mob you would forfeit your life?—A. I realized that I would. I firmly believe that if I had not obeyed the orders of that gang I would not be here to-day to tell you this story. That is my firm belief.

Q. (By Mr. RATCHFORD.) What was the date of your confinement?—A. The 30th of May.

Q. Were the colored troops in charge of the bull pen at that time?—A. Yes.

Q. How long did they remain there?—A. They remained there until I was released.

Q. Have you any reason to believe that the indignities, if any, that were practiced upon the inmates of the bull pen at the beginning were greater or less than they were at any other time?—A. They were much greater before I was in there than they were when I was there. As different men told me, "You have a snap here now. You should have been in the old barn." I have heard that remark 20 times.

Q. (By Mr. MANTLE.) You believe that to be true?—A. Yes.

Q. (By Mr. RATCHFORD.) Did any of the men who boarded your train buy tickets?—A. Yes.

Q. Do you know how many tickets were bought, approximately?—A. I think 150.

Q. Have you any reason to believe that those who bought tickets, paid their fare, and went to Wardner did it for the purpose of taking part in the destruction of this property?—A. I will tell you what I think about it. I think that not one man in ten knew what was to be done when they got there; that is my firm belief.

Q. Do you believe these men that were masked and armed knew?—A. Yes.

Q. You can not state whether or not, in your judgment, it was a preconcerted action on the part of the miners' organizations?—A. No; I could not say as to that, not being a member, you know.

Q. Do you believe, from your knowledge of the miners' organizations, that they approve of revolutionary acts of this character, as a whole?—A. No, I don't—as a whole.

Q. You have never learned, in your association among the miners, of any revolutionary action taken by any of the miners' unions, have you?—A. No. Not being a member, of course such action might be taken without my knowledge.

Q. (By Mr. MANTLE.) Are you personally acquainted with many members of the miners' union in this neighborhood?—A. I know a great number by sight, but I can not speak one man's name in fifty. I see them go to work and return from work while I am in the engine, but I could not speak one man's name in fifty.

Q. Can you speak of any considerable number of them with reference to their character as to good citizenship?—A. Why, I regard the majority of the men living between here and Burke as good citizens. They have their little homes and their families, their schoolhouses. A dairyman told me not a month ago that he had been peddling milk there for 6 or 8 years, and said he had lost but $100. We were partners together in the milk business, and sold them milk there, and lost but $100, and that was lost through one of our agents we had there, who was distributing milk. He told me that he got his money every month, and he said they were as good citizens and as honest and as reliable as could be found anywhere; there were no better men anywhere.

Q. You say you didn't recognize a single man on that day who carried a gun or was masked?—A. No.

Q. None among them that you recognized in any way?—A. No.

SALT LAKE CITY, UTAH, *August 2, 1899.*

TESTIMONY OF HON. CLARENCE E. ALLEN,

General manager Centennial-Eureka Mine, Salt Lake City, Utah.

The subcommission on mining met in Salt Lake City, Utah, August 2, 1899, at 10 a. m., Chairman Bell presiding. Hon. Clarence E. Allen was sworn, and being examined on the topical plan of inquiry on mining, testified as follows:

Q. (By Representative BELL.) State your name.—A. C. E. Allen.

Q. Place of residence?—A. Salt Lake City, Utah.

Q. Business?—A. Mining.

Q. How long have you been mining?—A. Well, I began in December, 1886.

Q. In this State?—A. Yes.

Q. What official position, if any, have you occupied with a mining company or corporation?—A. I am general manager of the Centennial-Eureka.

Q. How extensively is that company mining in Utah?—A. We are working about 100 men.

Q. Now, could you give the earnings of capital engaged in mining as compared with 1886?—A. I can not give anything definite; I can only give my conclusions. My impression is that capital is better remunerated now than formerly.

Q. Is it better rewarded now than at any time in your experience in mining?—A. That is my impression. I have never compiled any statistics on it.

Q. What is your idea as to the laborer; is his condition better or worse now than in your early experience?—A. I think it is at least as good, if not better.

Q. The tendency in both has been to improve?—A. Yes.

Q. To what causes do you attribute this improvement on both sides?—A. I attribute the more certain returns on mining investments to a better understanding of the business. There is not so much haphazard and foolish mining work done now as there was formerly. Men have gained by their experience; they do less doubtful work, and are more certain of getting their returns. Also, methods of reduction have been improving so much that now the miner is not restricted to one kind of ore or any two or three kinds of ore, but he can now find a market for all he produces. When I first began, miners received no return for their labor on low grade ore. The smelter charges on base ores practically prohibited the treatment of anything but high grade ores; but the improvements have made the business much more remunerative on the whole than it was at that time. Then living is a great deal cheaper than it used to be, and men now in all our leading mining camps can live well and send their children to school; their expenses have been reduced in many ways.

Q. And have their wages remained about the same?—A. Wages for miners were $3 per day, and the prevailing wages now are $2.50 per day. Some mines—I think the Sil-

ver King at Park City pays its miners $3 per day. I don't know what the conditions are, or why they pay it, but they do pay it. I think the Ontario, before it shut down, paid its miners $2.75; and I suppose other men working in the mines in that vicinity are receiving the same. Of course I am speaking of the ordinary miner now, and not the miner engaged in special work. For shaft work and special work of course they receive more. And many wet mines in some cases, perhaps, pay a little more than the dry mines. But $2.50 might be considered the scale of wages of this State.

Q. Now, would you say that capital engaged in mining is as remunerative as capital engaged in the other ordinary industries?—A. Yes.

Q. Is it more so, as a general thing?—A. I could not say about that, because I don't know how much capital there is engaged.

Q. Would you think it would compare favorably with banking, mercantile business, and other enterprises?—A. Yes.

Q. Where it is conducted judiciously?—A. Yes.

Q. If it is conducted as carefully as the other industries?—A. Yes.

Q. If they are neglected they must go down?—A. Yes.

Q. Have you such a thing in Utah as organized labor or labor unions?—A. There are some labor unions in Utah.

Q. What proportion does the membership of the labor union bear to unorganized labor?—A. I don't know; it is a subject I am not familiar with. The union has not come into our consideration here. Wherever they have been organized we have been able to get along with them quietly and peaceably. In our own camp there is no organized union.

Q. You have had no strikes in Utah?—A. There was a strike in the Tintic district several years ago in one of the mines.

Q. Do you know what led to that strike?—A. Only by hearsay.

Q. Well, do you know what the general cause was?—A. I have understood it was the question of having to board at the company boarding house.

Q. That is, you understand that the company established a boarding house, and made it a condition of employment that each man should board there?—A. Well, I don't know; for instance, we have a boarding house, but we don't require married men to board at the boarding house.

Q. Do you require the men that board at all to board there?—A. Yes; the men that have to pay for their board somewhere we require to board with us.

Q. Is that the general custom in mining?—A. I think it is the general custom in this State.

Q. Give the reason why that is necessary.—A. Well, in some instances, for instance, far away from a town, it is a convenience to us; and I think if the men didn't board there they would find it would be a convenience for them to board there. I don't know how they feel about it; I have not heard any complaint. We run the boarding house ourselves.

Q. Do you find it necessary, in order to pay for running the boarding house, that your employees should board there?—A. I don't know.

Q. Suppose only 2 or 3 men, or a dozen, boarded with you, you could not keep it up, could you?—A. No; it would not pay expenses. We have never run the boarding house to make a profit. We try to run it to give good board, without any regard to what it costs.

Q. But the more profits you have the better you can supply your table?—A. Yes. Something over half of our men are married. We never make any distinction between married and unmarried men when it comes to assign them work. We never ask the question whether they are married or unmarried; and we have allowed a great many young men who were supporting their mothers, for instance, to live with their mothers and not board at the boarding house.

Q. In that strike mentioned by you a moment ago, was any violence resorted to?—A. I don't know much about that strike. I was not in the camp at that time. I think there was some, according to the newspaper reports; but I have no personal knowledge of the matter; it is only by hearsay.

Q. Do you know whether there was any importation of labor into this State?—A. As I remember it, there was not.

Q. Have you ever known of the importation of labor into Utah from abroad, or from sister States?—A. No.

Q. Have you any arbitration laws in the State of Utah?—A. Well, I must confess that I don't know. I have never read the State statutes since they have been passed.

Q. Do you know of the application of the injunction laws to strikes, or to this strike in Utah; whether they resorted to the use of the injunction for the purpose of controlling the strikers?—A. I don't remember whether the matter got into the courts or not; any further than to send the peace officers down there.

Q. How often do you pay in Utah?—A. The general custom here is to pay once a month.

Q. Do you find that satisfactory to the men?—A. We have never had any complaints in any of the mines we have been connected with.

Q. What is your system of mining here—usually by the day or by the contract?—A. The general custom is by the day. There is some contract work done. I may, perhaps, explain that a little. I know of no mine that is being run, after mineral is discovered, by the contract. Oftentimes in prospecting the work is done by the contract.

Q. Have you such a thing in Utah as a sliding wage scale?—A. Not so far as I know.

Q. They have not resorted to that in this State?—A. Well, of course there may be in the coal mines. There is no such system as that here. At the time wages were reduced from $3 to $2.50 there were some mines in which the promise was made the men, as I understand, that if the value of silver should be restored wages should be restored. The fall in wages was caused by the fall of the price of the product.

Q. That is in the nature of a sliding wage scale?—A. That is the only thing of the kind I have ever known here.

Q. How are payments made in Utah—usually in cash?—A. Well, I don't know; I could not say, usually. All the mines I have been connected with have paid in time checks, usually payable at some store—that is, the time check would be issued at the mine and the store would give the man the money for it.

Q. When I say payment in cash, I am distinguishing that from store orders for goods.—A. We don't have the store system.

Q. Have they the store-order system at the metalliferous mines, generally?—A. No; not generally. I was trying to think of a mine where they have a store-order system, but I don't know of one now.

Q. Have they in the coal mines?—A. I don't know.

Q. You spoke of the only strike of which you had knowledge as having arisen, as you understand, from the boarding-house system. As a general proposition, don't a great many of these strikes arise from the so-called boarding-house system and store-order system?—A. I have understood that they do outside of this State.

Q. You have not had the system so as to be oppressive on the miners here?—A. No. I think that on the whole there has been nothing oppressive about the boarding-house system in this State. There may have been instances where it was. There has been, I think, a tendency amongst mining men to get rid of the boarding house; but at isolated places it becomes necessary for the company to establish a boarding house. Under the present conditions in this State, I don't believe it would be wise, for instance, to have a law saying that the company could not have a boarding house. There are many places where I can imagine it would be almost a necessity, for the comfort of the men, for the company to have a boarding house.

Q. Now, we have observed that miners' wages for underground work were generally $3 per day in Butte, Mont., and in Idaho $3.50. In Utah they seem to be $2.50. Do you know of any reason for the discrepancy existing in the wages paid to miners in these three different States?—A. Well, I think that a miner can work cheaper in the mines in Utah in many instances than he can in the mines of some of the other States.

Q. Give some of the reasons.—A. As a rule we are not troubled with water to any great extent. A man who does not have to work in water can work cheaper than the man who does. His clothing is cheaper.

Q. How about the living expenses?—A. I think living is cheaper here. That is what I have understood. I am not speaking of my own knowledge.

Q. You would imagine it to be much cheaper than in northern Idaho or Montana?—A. Our mining camps are usually easily reached from the places where almost everything is produced that a man needs to live upon in the line of food, and food is cheaper. I have supposed that these things accounted for the difference. Also, I have understood that board at the boarding houses is cheaper in Utah.

Q. What do you charge?—A. Eighty cents a day, where we used to charge $1 when the rate of wages here was $3 per day. When wages were reduced to $2.50 per day we reduced the board to 80 cents. I don't know whether every mine followed that rule or not, but we did.

Q. Is it not a fact that in wet mines the miners use a great deal of gum clothing which is quite expensive?—A. That is true wherever I have had any experience. I have had experience in one mine of that kind. The wear on clothing is much greater in wet mines than in dry mines.

Q. Do you know of any other causes for wages being cheaper here than in the surrounding States?—A. Well, there may be one other cause here. A great many good miners are men who have small farms in the valley and their families live there, and they work in the mines or they rent their little farm and bring their family into the mining camp and live there; so they have two sources of revenue or income. Possibly that may have some bearing upon it.

Q. I presume that you don't work a great many men that are what they would call in the mining camps of Butte or Cripple Creek first-class miners, but they are

a kind of a combination farmer and miner, although good workmen?—A. I think that as a whole, while that statement perhaps has been made, that it is not true. There are just as skillful miners in Utah as there are in any State, and they can do just as good work as the men in other camps. I am speaking now of the men who handle the pick and drill and hammer; they can do just as good mining and as much of it as the men in Idaho or Montana. Of course I am speaking of the miners with whom I am acquainted. The men in these mines are skillful men; they would not be in there otherwise, because it would not pay to have them.

Q. How does the number of men employed in mining this year compare with the number employed in mines during your early experience?—A. Of course I can not speak from figures, but there are a great many more men at work now than there were then.

Q. How does the amount of capital employed in mining now compare with the amount invested in your early experience?—A. Far more.

Q. You would say, then, that both have greatly increased?—A. Yes.

Q. Have you any employment of children in the mines of this State?—A. No.

Q. Do you know the average number of days that a miner works in Utah?—A. Of course when I say there are no children employed in the mines here I am speaking of metalliferous mining. I don't know what is done in the coal mines. I have no knowledge at all upon that subject. I have not looked up the question of number of days worked in years. When I kept the books, amongst various other duties at the Old Jordan and Galena, I was interested in the question of whether it paid men to work on Sundays, and I concluded, from my investigations of the pay roll at that time, which I made out myself, that a man loses as many or more days in the year as they would if they laid off over Sunday.

Q. What is the habit in Utah about working Sundays?—A. That is the rule.

Q. But you don't believe there is any economy whatever in requiring a man to work 7 days a week?—A. I believe it is a loss to the man and a loss to the company. That is my candid belief, and I have believed it for years.

Q. What experience have you had with the shorter workday?—A. I think the law was passed in the winter of 1896.

Q. How many hours per day did the men usually work in the mines prior to 1896?—A. Ten hours was the rule. There were some men who worked longer, but the underground men as a rule worked 10 hours. Occasionally there would be work done in 8-hour shifts.

Q. But since 1896, under a law of your legislature, they work 8?—A. Yes.

Q. When does the 8 hours begin?—A. That is according to the mine. In our mine the shift goes on at 8, works until 12, comes off for dinner, goes back at 1 and works until 5.

Q. I mean when does the day's work begin—when the miner gets to the mouth of the tunnel?—A. The men are in the mine at the hour they are to begin their work. We begin to lower the men 10 minutes before the hour, and that gives them time to get to their places when the hour for work begins.

Q. When does the watch stop; when they quit, when they lay down their tools?—A. We begin hoisting at the hour; for instance, at noon we begin to hoist at 12 o'clock. The men are at the station at that time. They have come out to the station on our time really. They don't come out of the mine on our time, but they come out to the station on our time; and they are hoisted out of the mine from the station on their time.

Q. Under the 10-hour law when did you begin to mine; at the time they got to their work as now, or from the time they left the boarding house?—A. Really I never asked in the case of our own mine how they did that; but I have talked with our superintendent who was there at the time, and the impression I got from him is that they went into the mine on our time.

Q. Did they eat dinner on your time under the 10-hour system?—A. In cases where they took their lunch into the mine and ate it there, it came out of the company's time. I don't know that all mines are situated as ours is. Our boarding house is right next to our shaft house, and we lift our men right out at the boarding house; and they eat all their meals, their lunches and everything, on their own time. We can do that and the men like it better. It is good for them to get out, and we go to the expense of lifting them out, and don't send any lunches into the mine.

Q. Now, can you give us the comparative advantages and disadvantages to the operators and the men of the shorter workday?—A. Well, in our own case and judging from our expense account and the amount of work that is done, I think that we get as much work out of the men on the 8-hour shift as we did on the 10. That is the opinion of our superintendent who is in direct charge of the work.

Q. You think if a man goes into a mine to work 8 hours he strikes an 8-hour stroke?—A. A good man does.

Q. And if he goes in for 10 hours he strikes a 10-hour stroke?—A. Yes, sir. In the work with the power drill, Burley machines, there is as much work done in the 8-hour shift as there was in the 10; one round of holes are put in and fired.

Q. Is it a machine that they can hurry a little?—A. Yes; with that kind of a machine they can hurry it.

Q. What effect has it on the men?—A. Why, it seems to me that it can not have anything but a good effect on them.

Q. Gives them more time?—A. Yes.

Q. I suppose it is very pleasant and they are better satisfied?—A. I never heard any discussion among the men about it. They accepted it just as we accepted it.

Q. You took it as a matter of course and went right along?—A. Yes; when the law was passed we obeyed it.

Q. And how about the public generally; is the shorter work day approved or condemned?—A. There has not been any discussion of it here.

Q. You take it from that that the people are satisfied, do you?—A. Yes.

Q. Have you had the cooperative system in the mines here to any extent?—A. Not that I know of.

Q. You have a good deal of cooperation in this State generally, have you not?—A. I don't know that we have.

Q. Your irrigation is principally under a cooperative system?—A. Yes; the farmers generally cooperate in irrigation.

Q. Are there more or less stores in this State under the cooperative system?—A. We have what we call cooperative stores, but they are really stock stores; there is cooperation, of course, in that sense.

Q. But it has not been adopted in the mines at all, so far as you know?—A. No more than anywhere else. Several parties sometimes go in together and put in their time prospecting and developing a mine.

Q. Have you had such a thing as insurance connected with your mine?—A. I don't know whether there is any mine in the State that insures its men or not.

Q. You have not adopted it in your mines?—A. No.

Q. I understand you have had no particular immigration to this State for mining purposes.—A. Nothing more than the men who ordinarily come in and go to the mines.

Q. You have no contract labor from other States or abroad?—A. No.

Q. Any colored labor here?—A. No.

Q. What are the prevailing nationalities in mining here? Are they English speaking or non-English speaking?—A. I should say the majority are English speaking. There are Americans, English, Scotch, Welsh, and from the northern countries of Europe—Finlanders and Scandinavians. I can not say that they all speak English.

Q. How does this foreign importation compare with the native American in his general demeanor; is he as orderly?—A. So far as I know; yes.

Q. Makes a good citizen?—A. I have never noticed any disorder of any kind. They are mixed in our mines. I think it is the general purpose here not to have any one nationality predominate unless it is Americans.

Q. That is a usual custom, is it not, throughout the West to keep them apart to some extent?—A. I don't know about the other places, but I know it is the custom in this State not to have too many in one place.

Q. They are liable to become unruly?—A. I have heard a good many men who have passed their lives in directing the working of mines say that they get better results in not having too many of one nationality outside of Americans in the mines.

Q. Have you ever had any convict labor in the mines of this State?—A. No.

Q. How are your convicts used in Utah?—A. I don't know.

Q. They are not brought into competition with other labor at all?—A. I think they do some work down there, but what it is I don't know. I never paid any attention to it.

Q. Have you ever had any legislation, either State or national, that, in your judgment, detrimentally affects mining—restrictive laws of any kind?—A. The law that prevented the investment of foreign capital in the Territories when this State was a Territory.

Q. Did that affect you detrimentally?—A. I think so; it kept capital out.

Q. Would you say that that is one of the great disadvantages a Territory has?—A. Well, I am not certain whether it is an advantage to have English or French or Dutch capital operating our mines and taking the profits away from this country; I am rather inclined to think it is a disadvantage.

Q. You would call that a wise law, then, and not a detriment?—A. I have never gone deep enough into the question to have an opinion. I have always had a feeling, however, that it was a disadvantage to have that kind of capital here.

Q. What would you say about your tax laws; is there any complaint?—A. We have no complaint to make on our tax laws.

Q. Do they treat mining property as fairly as they do other kinds of property?—A. The question of the tax on the net product of mines is a little difficult to get at. It is unfair to tax the net product of the mines and not tax the net product of farms and banks. The miner is discriminated against.

Q. Does your legislature tax the mine and then tax the net product?—A. We pay a tax on our land values, which is usually put at the Government price, and then we pay a tax on the improvement, and then a tax on the net product.

Q. Well, the nominal price put on the ground, when it is presumed to be very valuable, is expected to be made up in the tax gathered from the net product. Is that the theory of the State?—A. I don't know that that is the theory.

Q. If a great many of these mines were taxed the same as a farm or a piece of real estate, would they not be put in at many thousand dollars per acre?—A. If you tax a farm it is on its value per acre, and you don't tax it on its product.

Q. How wide are your mines here?—A. Under the present law the claims are 600 by 1,500 feet. Of course there are some local regulations that sometimes vary these, but most of the claims, I think, follow the United States statute.

Q. That would be about 20 acres?—A. Yes, about 20 acres to the claim.

Q. The tax assessor would be required to assess a great mine at its real value. Suppose the mine had a great reputation. Would he not be liable to put it in at $10,000 per acre, when as a matter of fact it might not be worth more than $5,000; that is, assuming that he should assess it just the same as other real estate?—A. That may be. I don't know how he would assess it.

Q. And owing to the uncertainty of the value of mines the general custom has grown up over the West to assess the mine at a nominal value per acre, and then tax the net product, on the theory that it will thoroughly equalize the taxation of the mines and the taxation of other property. Do you think that system is detrimental to the mining industry?—A. I don't know. We have not had it long enough for me to form an opinion in that respect.

Q. Have you had such a thing in this State connected with mining as discrimination in freight rates?—A. I don't know that we have.

Q. There has been no complaint?—A. I don't know of any companies complaining that they have been charged more for freight than any other company.

Q. What is your judgment as to the rule that should be adopted in establishing a freight rate; that is, should there be such a thing as discrimination? Should one man have a carload of ore carried cheaper than any other man?—A. No; I think the freight should be the same.

Q. Have you ever studied as to what should be the unit in fixing the rate, whether it should be a ton or whether it should be a car?—A. No, I have not investigated the question at all.

Q. A great many adopt the theory, with great reason, that if a ton is not made the unit, for instance, that a ton should be allowed to be shipped as cheaply as a car and a car as cheaply as a train, that it invites monopoly and offers an inducement to great syndicates to buy up a large product and make a great profit by getting great advantages in transportation?—A. I am not prepared to say that a railroad company should be obliged to carry a ton of ore for me just as cheap as it would carry a car load of ore for you, per ton.

Q. Well, if the railroad is in fact a public institution which the law permits to be built through your farm, or homestead, or schoolhouse grounds, on the theory that it is built for the public, don't you believe that, from its public character and for the purpose of keeping up the individuality of the citizen, such rules should be adopted as would give every man, both great and small, an equal opportunity to use the road?—A. Yes. I was simply looking at the question of 1 ton or 1 carload. I, myself, believe that 5 miners should be allowed to put 15 tons, say, in a car—I believe that is the minimum carload here now—and have it shipped as cheaply as the Centennial Eureka could ship a carload; but I don't see how it is going to be done. I am not prepared to say that it can be done; but I think one man ought to have the right to put 1 ton on the car and have it carried, providing there was enough with others to make a carload.

Q. You could not require them to run 1 car for the purpose of carrying 1 ton; but, if the car was going anyway, you think a man should have a right to have 1 ton carried at the same rate as a car?—A. That would be different if they took a car.

Q. Have you had any considerable concentration of capital engaged in mining?—A. Not up to the present time. Perhaps I am not getting the idea of that question. Up to within the last 6 months we have had no one company that, as you might say, controlled a camp.

Q. Well have you at the present time?—A. There is no one company controlling a camp; but at Bingham, for instance, there are 4 or 5 very heavily capitalized companies, which have gone in there and bought up very large tracts of ground, and are able to work on very extensive plans.

Q. In straight mining would you say that that tended to better the conditions generally?—A. It is pretty hard to tell. Of course at Bingham I think it would be of advantage to the camp. The product there is rather low grade, but it can undoubtedly be worked at a handsome profit if worked on a large scale.

Q. The larger the scale the more men employed?—A. Yes, that means more men

employed in that camp. What effect it will have on the chance for an individual to get a foothold, I am not prepared to say.

Q. Well his chances are not very great in low-grade mines anyway, are they?—A. No.

Q. And the combination of capital in metaliferous mining stands upon little different grounds from other combinations, so far as affecting the public is concerned, does'nt it?—A. Yes.

Q. That is to say, its product is not a necessary of life.—A. No.

Q. Have you had any considerable number of mines shut down recently?—A. No.

Q. Have you had any smelters shut down recently?—A. I believe one of the smelters here owned by the trust is closed.

Q. Do you know what caused that?—A. Nothing, only in a general way; not of my own knowledge.

Q. What is the general understanding?—A. I suppose it is more economical to handle the product in the 2 plants that are running than it is to run 3.

Q. They have three plants?—A. Yes, sir; the Germania, the Mingo, and the Hanuer.

Q. All in Salt Lake?—A. All in Salt Lake County, south of the city.

Q. How far are they apart?—A. Well, the Hanuer is about a mile from the Germania, and I think it is 6 miles from the Germania to the Mingo smelter.

Q. Which one is shut down?—A. The Hanuer.

Q. How many men did it work?—A. I don't know. It is the smallest of the three.

Q. Do you know whether the men had built little homes around the smelters?—A. Yes; that is, the smelters have built up quite a community there; it is quite thickly settled.

Q. If the smelters should be dismantled, what effect would it have on the homes?—A. As I understand the situation in this particular case, there has been no displacement of men. As I understand, there are two reasons for that; the Germania has extended its plant; it has been growing constantly and increasing since the trust was formed, and of course they have absorbed some of these men. The Highland Boy smelter has been blown in since the trust was formed, and as I understand it there has been no displacement of labor. Those thrown out of employment by the shutting down of the Hanuer smelter have immediately found places with the other plants—either with the trust or with the Highland Boy.

Q. Were these plants near enough to the place where they worked for them to keep their homes?—A. Yes; the Highland Boy is close.

Q. Had it been isolated and these homes built upon the theory that the smelter was to be a permanent institution, it might have had an entirely different result, might it not?—A. Yes; if it had been in a country that was not a farming country, or with other enterprises around, they might have lost their homes.

Q. Have you kept pace with the history of these great trusts, such as the Standard Oil Company, the Sugar Trust, etc.?—A. Only in a general way. I have no definite knowledge of them.

Q. You have observed that that has been the general system, to dismantle the plants that could be possibly spared and build up the great centers?—A. Yes.

Q. That would have a natural tendency to congest the population in the great cities?—A. If the plants were built there.

Q. The most of these great plants are built at some large railroad center, are they not?—A. Yes.

Q. Now, do you believe that that is for the best interest of the people at large, to have these plants go into the hands of great syndicates and further congest the population in the large cities, and practically depopulate the country settlements?—A. I don't think it is good for the individual, and therefore not good for the nation. I would like to say that I believe the trust has come to stay, and it is a question of who shall be the trust.

Q. Taking it for granted that the trust has come to stay, what would you suggest as a method of controlling the trust within reasonable bounds?—A. Well, I think it is too early yet to decide that question. It seems to me that there will be but one outcome.

Q. What?—A. In case these trusts should keep multiplying until all the great lines are in the trust, as they practically are now, after a time I think it will begin to dawn upon the people of the country that if these things can be managed for the benefit of a few men they can be managed for the benefit of all men. I think that the men who are down on socialism are the greatest promoters of socialism themselves.

Q. That is, they are engaged in socialism for the benefit of the few?—A. Yes.

Q. And you would consider the remedy to be to hold these things that can be best managed in a great trust, for the benefit of all?—A. I think that will be the result.

Q. Now, it has been suggested to us by men who are at the head of many of these great trusts that by squeezing the watered stock out of their capital and by appointing inspectors to examine into their affairs just as we have inspectors for national

banks, and local regulations not permitting them to abuse their powers in any way, they would be unobjectionable. What do you think of an idea of that kind?—A. That will only reach one part of it. That reaches the material part of it. The great damage in my judgment that these things can do, is in shutting out, in closing the way and opportunity for men, thinking men; and the nation as a whole is composed of thinkers. They will say, "Here, there is no opportunity for us; we can not all be doctors; we can not all be lawyers; and we can not all be ministers. We who are inclined that way and want to go into great industrial operations are shut out because there are a few men that have all these things, and there is no chance for us to rise." Now, if this thing must be this way, it would be better for the people to own these things and then all the people could have a chance to rise in these lines. It seems to me that that is the way the people will reason in time. I doubt if it comes in my day.

Q. Is it not a fact that every time there is a consolidation of all interests, that the production can be increased with a less number of employees?—A. There is no question in my mind that the formation of the trust can lower the cost of production.

Q. Is it your judgment that that will bring about more employment for men?—A. I think the statistics show a number of million at least that there is no work for.

Q. Is it your judgment that that condition exists?—A. On the average, yes.

Q. Do you believe it good public policy, for the mere purpose of reducing the purchase price of an article, to lower the value of labor?—A. I don't believe it is good policy to have such conditions that many can not get employment. As I said before, the trust has come to stay; I have believed that for 15 years; I believe it is a forward step in commerce and industry that must be taken. I have always thought that the first effect would be for the trust to control, and the second effect would be for the trust to be controlled, if it is really not going backward; and I don't believe the world is going backward. If we don't have trusts formed there will be trusts from elsewhere that will overcome us on these lines. I believe the trust has come to stay and the question is, "Who is to control the trust?"

Q. You realize it must be controlled?—A. Of course it has got to be controlled, and these great lines of production can not be controlled for the benefit of 1 man or 2 men or 50 men, and the vitality of the people be preserved. That is my judgment about that.

Q. We had before us the president of the Traveling Men's Association; he gave us the information that for instance when the Baking-Powder Trust formed they had a great army of traveling men placing the product, and immediately they discharged them all. There was no object in trying to place the product because it was in a complete trust; the retail firm which sold it could get it nowhere but from the trust, and these traveling men were all set adrift; places were taken away from them immediately. Now, taking it for granted that the trust has come to stay, where are you going to find places for these men?—A. I have the same sympathy for these men that they had for the laboring men who have been displaced from time to time. They told them it was a necessity of the evolution of the times, and now they are in the same place. It may hit me next; no man can tell; in my judgment someone will be hit next, but no one can tell who it will be.

Q. When the tobacco companies consolidated, one of the traveling men told us their positions were cut off immediately and they were set adrift, and these men figure up in the tens of thousands, and with this evolution going on and the field of labor narrowed every day, what are they to do, while these things are being settled, for a livelihood?—A. That is the hardest part of the problem.

Q. The laborers are increasing and the field of labor is decreasing with every move?—A. That is true.

Q. Do you use machinery in your mines?—A. Yes.

Q. What effect does that have on production?—A. Well, it increases it.

Q. Lessens the price of production?—A. Yes.

Q. Who gets the benefit of improved machinery in the mines?—A. The parties concerned.

Q. Does labor get some of it?—A. Yes.

Q. The smelter gets some of it, and the owner gets some of it?—A. Yes.

Q. What effect does it have on prices, lessen or increase them?—A. It must lessen them. Without machinery there would be no such production or employees as we have.

Q. How does that affect the number of laborers; does it have a tendency to cut the labor or increase it?—A. It must increase it, for the reason that without machinery we could not get down to develop our mines as we have and furnish employment to the men that we employ. We would have to proceed without machinery, as they have proceeded for years and years in Mexico.

Q. Could you mine at all in some of the mines?—A. Very little. Machinery becomes necessary very soon. Of course men can go down 200 or 300 feet with a whim; and even that is machinery.

Q. You sort your ore by hand?—A. Yes.

Q. The low-grade mine, though, usually runs it right from the car to the hopper of the mill, doesn't it?—A. Yes.

Q. Runs it through and separates it by machinery?—Yes.

Q. Do you believe, as a matter of fact, that the use of machinery lessens the number of men employed?—A. No.

Q. If it displaces one man, it puts another man to work somewhere else and in many instances more than one?—A. Yes.

Q. The machinery reducing the cost of the product increases the use of it by the consumers?—A. Yes.

Q. Just as the lace machines did; instead of throwing the lace workers out of employment, it quadrupled them?—A. Yes.

Q. The sewing machine increased the sewing?—A. Yes. I think a good illustration of that is the railroad system of the United States. It was of course suggested that the building of railroads would throw the teamsters out of employment. We have hundreds of thousands of men at work on the railroads and have also many more teamsters at work.

Q. Have you an active market for your product?—A. Yes.

Q. No overproduction?—A. No.

Q. What is your chief product?—A. Our chief products are silver, lead, gold, and copper.

Q. And there is no surplus of any of these metals?—A. No.

Q. Where is the market principally—in the United States?—A. Our market is directly with the smelters; that is, those of us here who smelt our ores. One district in the State, the Mercur district, treats it ores by the cyanide process.

Q. Have you an employers' liability law in Utah?—A. There is a law which applies to coal mining more particularly, as I understand it.

Q. Not to metalliferous mines?—A. Well, I confess I have not read it.

Q. Have you such a thing as a sanitary law or an inspector for metalliferous mines?—A. We have an inspection law, but it applies to the coal mines. There is no question about the healthfulness of our mines.

Q. You don't have such a thing for the metalliferous mines?—A. No.

Q. You must have ventilation?—A. We must have ventilation, and the man who is up to his business now knows that he is the loser if he doesn't have ventilation, because he can not get his mine clear of smoke and the men can not work as well as when it is well ventilated. Then the good miners look to that point and see that the mine is well ventilated.

Q. And it is universal here to have the metalliferous mines well ventilated?—A. Yes.

Q. And kept in a safe condition?—A. Yes; it is customary for the best mines to be in good condition and well ventilated.

Q. What would you say of the social and intellectual condition of the employees at this time?—A. It is good.

Q. Is is improving?—A. Yes; I think it is improving in the State.

Q. They send their children to school?—A. Yes.

Q. Schools accessible to all the mining camps?—A. Yes; they all have their school districts and school buildings.

Q. How is the inclination of the miner of to-day as compared with 10 years ago; is he economical and more inclined to save his money than formerly?—A. Well, I don't know that there is any difference in that respect. It may be said that in the early history of the State, when mining camps were new, that we had a less thrifty population, but I think it is about the same now as it was 10 years ago in this State.

Q. Now, taking the field at large, have you any suggestions to offer for remedial legislation, either State or national, affecting the mining industry?—A. Of course my knowledge of the mining industry does not extend outside of the State, except in a general way. I don't know what may be needed in other States. I don't know of any mining legislation that is needed in Utah at the present time. I don't know of any hardship that has been put upon the individual by the railroads.

Q. You would say that the mining camps generally are close to the agricultural regions?—A. Yes.

Q. Now as to your wages; is it your judgment that the miner at $2.50 per day, considering the dry character of your mines, the accessibility of the necessaries of life, cost of living, would be able to save as much out of his earnings in the mining camps here as the miner in Butte, Mont., or the Cœur d'Alenes at $3.50 per day, or in Leadville or Cripple Creek, Colo., at $3 per day?—A. I think he could save as much as in Leadville or Cripple Creek at $3 per day. I don't know how it would be in Butte or in the Cœur d'Alene country at $3.50; I don't know how the prices range there. I don't think one can judge of the disparity of wages at a distance without investigating the price of living, rent, etc., and all these things. These things have to be considered. I don't know what rent is in Butte, but a man can rent a small

house of from 4 to 6 rooms in Eureka for from $6 to $10 per month, according to the location and the way the house has been kept up, so I have been informed; I never had any personal knowledge of this. Now, I don't know how that compares with rent in Butte, so that I can form no opinion of the relative value of $3.50 per day and $2.50 per day.

Q. You have no difficulty whatever in keeping miners here?—A. We have never had any trouble in that direction.

Q. Is it not your experience that where a man can make a greater saving the good miners will naturally drift?—A. Yes.

Q. And if they were not able to save as much here as in the other camps it would be difficult to hold them?—A. Yes; that might be true of the men in our own particular community. It would be true of the men who didn't live in the valleys. The man who had no little farm down in the valleys would natuaally drift to these other camps if he could save more. Now, we have men working for us that have worked for us 10 years, and we have one man who has worked for us 12 years. They stay right along with us, and are first-class men or they would not stay there.

Q. (By Mr. KENNEDY.) I want to ask why it is that there is so little organization among the miners in this State as compared with surrounding States?—A. Well, I don't know that I can answer that question.

Q. Has the fact that a large number of farmers work in the mines had anything to do with the keeping down of the price?—A. I don't think that word farmer really expresses their position.

Q. That is what I have been informed the miners are largely here.—A. I know. Of course I don't know what the other mines do, but in our case a man oftentimes owns a little piece of ground down in the settlement, and he is a miner. Now, his wife and children may live there and farm a piece of ground, but his business is mining. We don't have men that, as a rule, come and work a little while and then go back to the farm and work, and then come back to the mine and work. I don't know what the other mines do.

Q. You have instances of that in the State, don't you?—A. There may be instances. In fact, I know there are men of that character who come and work a while; but that is not skilled labor. Such men can push a car or run a plow. Whether the other mines employ men of that kind I don't know, but we don't. Our men are skilled men.

Q. Is mining as profitable in Utah as it is in Colorado or the Cœur d'Alene country or Montana?—A. I have no means of forming a judgment on that question. In a general way, I should say that the properties in this State are as good as in the other States. We have some advantages in this State they have not. Our winter climate is mild, comparatively speaking.

Q. Is your cost of production as low as in these States?—A. I don't know as there is any way to get at that.

Q. I thought perhaps you would have a general idea as to whether a ton of ore of equal value in this State could be worked as cheaply as the same ton in Colorado.—A. The conditions in different mines here vary. It would be very difficult without having the figures of all the mines to get at it, and often in the same camp the cost of production may vary considerably. For instance, I have known of cases in Bingham where there is one mine here and one mine there [indicating]; this mine might be a wet mine and that one a dry mine; this mine has to pump and this one does not; that would make quite a difference; and I have never seen anything that would inform me as to the relative cost of a ton of ore on the average as compared with Idaho and Montana.

Q. Do you think there is any reason why the Utah mine owner can not afford to pay $3 per day as well as the Colorado mine owner?—A. My impression is that the ores of Utah are of a lower grade than those of Colorado, but I am only guessing when I say that.

Q. If the miners of this State were as thoroughly organized in the labor union as are the miners in Butte, do you think that they would receive better wages than they now receive?—A. I do not.

Q. Why?—A. Because the mine owners here can not afford to pay them more wages, in a great many instances. Of course a man might find a mine that, after certain developing, would enable him to pay a higher rate of wages; but, taking the average of work that is going on, I don't think the mine owners can afford to pay more than they are paying.

Q. Is there any prejudice in this State against the organization known as the Western Federation of Miners?—A. I don't know that there is any prejudice against the organization. I think there has been some prejudice created against the one who was at the head of the organization at one time.

Q. Mr. Boyce?—A. Yes.

Q. You don't suppose that the mine owners of Utah would object to their employees becoming members of a labor organization and having some voice in saying what the conditions should be under which they labor, and conferring with the owners in regard to the wages they should receive, do you?—A. Well, I suppose it would be here just as it is everywhere; there would be some men who would object and some who would not.

Q. Mine operators?—A. I suppose they are just like other men.

Q. Is there any abuse of the store system in the mining camps in this State; is there any abuse of it in your camp?—A. No; so far as I know there is nothing objectionable. I don't know whether you would call this a phase of the store system. I don't know of any abuse in our own camp. Of course there may be, but in our own case there is absolutely none. We require the men to get their pay at a certain store.

Q. The store pays them instead of the company?—A. Yes. The company requires the men to go to that store to get their money, for our convenience; but they are not expected to trade there unless they wish to. They may trade there or not as they please, but we do wish them to get their pay there for the simple reason that it is convenient. They can trade there or they can spend their money elsewhere, as they choose. We took pains to tell them that.

Q. Do you give the store any consideration for paying your men?—A. None whatever. They expect, I suppose, that it is an advertisement to have the men come in there to get their pay, and that they may do some trading there. That is the only way I can see that they make it pay.

Q. You practically turn your pay roll over to that store and they pay your men off?—A. Yes.

Q. They have no means of coercing the men in any way to trade with them?—A. None whatever. There was a distinct understanding with the store that they would not require them to trade with them, and that they must pay the men the full wages if they demand them; and the men have been informed to that effect, and there is no coercion whatever and never has been.

Q. Are there other stores in this district?—A. Yes; many stores in the town.

Q. Can the miners purchase goods as cheaply from this store as they can from the other stores in the town?—A. I don't know that. These stores are in open competition with each other. I know there is quite often an order signed by a workman sent in to our clerk, and he sends it down to this store that pays off and they recognize it—an order from another store, showing the absolute liberty of the men to trade where they please.

Q. Have you the company doctor and company hospital in the camps of this State?—A. Yes, in some. We have it in our camp.

Q. What deduction is made from the wages?—A. One dollar per month. There is a physician right there and they prefer it in that way. They pay him $1 a month and when a man gets sick or hurt they take him to the hospital. They prefer to have the doctor right on the ground; he gives them advice and prescriptions.

Q. Are your miners free to refuse to pay this doctor $1 a month and employ some other doctor if they choose?—A. I have never asked. That system was adopted when I went there and I have never inquired into it. I never heard any complaint and never had any occasion to investigate it.

Q. Do the miners' families also get the service of this doctor for the $1 per month?—A. I don't know about that. As I said, the question has never arisen and I have never investigated it.

Q. How many miners are there in your camp, taking the whole camp?—A. There must be somewhere from 1,000 to 1,500 miners and other men employed by the mines.

Q. That would make a sure income to this doctor of about $1,000 a month?—A. He does not have all of them. There are several doctors there. I know nothing about the other mines.

Q. I mean in your particular mine?—A. We average, I will say, 90 men; it would be about $90 per month from us.

Q. Do you believe in the complete shutting down of the mines on Sundays?—A. I believe it would be better for the men and for the company if there were no Sunday work. Of course I mean unless it is absolutely necessary for them to work; for instance, like a wet mine where the men have to pump every day; that would of course necessitate some work on Sunday. That is my belief based upon what I have seen.

Q. What influences brought about the passage of the 8-hour law in this State?—A. I don't know.

Q. Do you know who introduced the law in the legislature?—A. No.

Q. Was it a representative of the miners or the mine owners?—A. I think it was. I was in Washington that winter. I think it was Mr. Claude Wheeler, who is a mine owner from Tintic, or a man from Mercur.

Q. What is his name?—A. Dresser. I think the man was a representative of the mining district that introduced the law; but there was no particular agitation excepting what might ordinarily result from time to time concerning 8-hour laws.

Q. It was not a result of labor agitation, then?—A. I don't think I could say that. I don't think there has been any agitation that influenced it.

Q. Do you think the law was enacted without a general understanding that such a law was on its way through the legislature?—A. No, I didn't mean that. I mean the way it got started was just like lots of these things get started; some man on the committee who believes in the thing gets a resolution on it; the rest know that it will catch some votes, and they let it go through.

Q. I want to ask whether in this State the public generally took but little interest in it, and really did not know that such a law was being passed?—A. I think the public knew it, yes.

Q. And the mine owners, too?—A. I believe they did. I saw a notice in the paper when I was in Washington. I knew of it there, and I suppose those who were on the ground knew it. I never heard any discussion of it.

Q. Has the shutting down of the trust smelters in Colorado been beneficial to the Utah smelters?—A. Well, I am not able to speak in that respect, because I am not a smelter man.

Q. What do you know by general information?—A. I have understood they receive some ore from Colorado, and I suppose that would compel an increase of their output and the number of men they would employ, because our mines have been running right along the same as before. I know since the trust struck here they have been planning to shut the Mingo plant down.

Q. They have been planning to do that since the strike in Colorado?—A. Yes; but they have not done it, and I now understand they have increased the capacity of the Germania, or have taken steps to do it.

Q. So that the smelter industry of Utah has largely increased on account of the strike in Colorado?—A. I am not in a position to say, but apparently it has; how much I don't know; I have never talked with any of the smelter men about it.

Q. Are all of your ores smelted? Is any of the gold extracted by any of the chemical processes?—A. Our ores are smelted.

Q. In the State as a whole?—A. The Mercur ores are extracted by the cyanide or chemical process. They have several mills there and 1 where there is some silver extracted along with the gold by the cyanide process. But the greater amount of our ores is reduced by smelting. All the high-grade ores in Tintic are reduced by smelting. In Park City at the present time most of the ores are reduced by smelting; and Bingham is almost entirely a smelting camp. There is some gold ore there that they have reduced, in a small way, by concentration.

Q. You are not particularly interested in the cyanide process, are you?—A. No; we smelt the ores from our mine.

Q. Speaking of the trusts, you believe that they have come to stay?—A. I think there is no doubt of it.

Q. Do you believe if the interstate-commerce law were amended so as to give the Interstate Commerce Commission power to prevent discriminations in freight rates throughout the States, and a law was enacted prohibiting and preventing overcapitalization, that the trusts would then be fairly well regulated in the interest of the public?—A. I think that would only be the beginning.

Q. Outside of that what can you suggest?—A. Nothing.

Q. Do you think the General Government and the States should take these steps now?—A. Yes. I don't care so much about overcapitalization except along the line of compelling the people to pay the interest on the overcapitalization.

Q. That is an injury?—A. Yes. A fellow that contributes to the whole people ought to be allowed to overcapitalize the same as a railroad, and, on the other hand, as I said before, I think an individual should have the same right on a railroad that two individuals combined, or a corporation, has.

Q. Do you believe that an industry or corporation that is earning 30 per cent a year on the capital invested should be permitted to water its stock to such an extent that they may give the public figures showing that they are earning only 6 or 8 per cent?—A. No.

Q. You think that practice should be stopped, do you?—A. I think if a corporation can earn an exorbitant interest the people ought to know it, so that they can either form another corporation and go into competition with it, or something else, to remove the exorbitant charge they are making on the people.

Q. Then you are in favor of controlling the overcapitalization feature of corporations?—A. Yes. I don't mean to be understood that it should not be controlled.

SALT LAKE CITY, UTAH, *August 2, 1899.*

TESTIMONY OF MR. ROBERT C. CHAMBERS,

Mine manager, Park City, Utah.

The subcommission on mining, being in morning session August 2, 1899, at Salt Lake City, Utah, Chairman Bell presiding, Mr. Robert C. Chambers, being sworn and examined on the topical plan of inquiry on mining, testified as follows concerning mining conditions in Utah:

Q. (By Representative BELL.) What is your residence and occupation?—A. Park City, Utah; mine manager mostly.

Q. How long have you been managing a mine?—A. About 30 years.

Q. In this State?—A. I have been here since 1872—26 years. I have been here since 1870, but I was not here much for the first 2 years.

Q. What would you say about mining in Utah? Is it prosperous or otherwise?—A. Well, just now it is prosperous, more or less, I should say; more so than it has been for the past 4 years.

Q. Is it your judgment that capital invested in mining is more remunerative now than in the early part of your history or your experience?—A. No; I don't think it is.

Q. Is there more capital engaged in mining now than at any former time?—A. Well, that is a question that is pretty hard to answer. You make it relative to this State alone, I presume?

Q. I would, supposing your experience was limited to the State.—A. I am not sufficiently posted on the amount of capital invested in coal mining, but outside of that I think I should answer by saying that I think there is more capital invested. In my judgment there are no more men employed to-day than 10 years ago.

Q. How do you account for that? Has machinery displaced many of them?—A. Machinery has taken the place of labor in many instances, and there are less men working. The mines are employing a less number of men, although those that have come to the front since are employing a greater number of men, so that on the whole I should think it was just about holding its own so far as the employment of labor is concerned. While I have not statistics, or had time to look up this matter or consider it, that is my general opinion.

Q. In speaking of machinery taking the place of the men, I suppose you realize there is quite a little prejudice among laboring men against the introduction of machinery?—A. Yes; some.

Q. I want to ask you as an economical proposition if in your judgment machinery does permanently displace men.—A. I think not.

Q. Do you think it has a tendency to increase the employment of labor?—A. I think it has; I think it enables the owners of mining properties to work mines to a profit which they could not work at all otherwise; therefore there are more mining properties working to-day which would be idle if there were no economical appliances for handling and smelting the ores.

Q. What is your mine?—A. A silver mine.

Q. What is the name of it?—A. Ontario and Daly.

Q. Is it your judgment that money invested in mining earns as certain returns as money invested in ordinary industries of the country, such as banking, mercantile business, real-estate business, etc.? Is investment as reliable in mining as in other industries, or is it a haphazard business?—A. A man in mining, as a matter of course, takes greater chances than in the ordinary business of merchandising or banking or milling, and is far more liable to make failures, but I think it is conceded that if he makes a success the returns are generally greater, so that upon the whole I think it would be just about equal.

Q. Then the inducements for entering into that business are probably greater than could be found in almost any other industry?—A. Yes.

Q. Although it may be accompanied with more uncertainty?—A. Yes.

Q. Now, have you had any legislation, either State or national, that has restricted the industry?—A. Yes.

Q. You may state what that legislation has been.—A. The demonetization of silver.

Q. To about what extent did it affect the industry?—A. It has stopped the production of a great many silver mines throughout the country, and leaves them in such a condition that they can not work unless they carry a by-product of the baser metals, for instance, lead or copper. Where mines carry a product of either lead or copper, together with the silver, it will bear a proportion of the expense of mining and reduction. Ores that don't carry lead or copper, or any of the baser metals, we would call dry ores, the product being entirely silver; and unless they are of a very high grade—that is to say, unless they carry from 50 to 100 ounces of silver—they will not pay to handle. To be profitable the mines would have to be large producers, in order not to be too expensive to work. You might have a mine that carries 4 inches

wide, for instance, of 100-ounce ore, and it would cost as much to produce a ton of that ore as it would if you had a larger vein producing 50 or 60 ounce ore.

Q. Well, then, the result of that legislation was to practically close down the purely silver mines?—A. Yes; the purely silver mines, to a great extent, have been closed down in Nevada, and also a great number here in this State.

Q. What effect did that have on laboring men and the industries of the country generally?—A. Well, the laboring men would have to seek other camps or get into other occupations. Many of the men have gone to different sections of the West and Northwest, and located lands and started farming, and many have engaged in other occupations whereby they could make a living, while others have traveled from camp to camp in search of work.

Q. There has been somewhat of a lack of employment?—A. Yes; there has been a great lack of employment until this year, but, from some cause which I am not able to state, there seems to be more employment for laboring men this year, and for miners, than I have known in the last 5 or 6 years.

Q. Don't the raising of an army have something to do with that?—A. That has something to do with it, undoubtedly.

Q. And also the manufacturing of supplies for them?—A. Undoubtedly.

Q. You think the raising of that army took a great many men from the unemployed?—A. Yes.

Q. (By Mr. KENNEDY.) How many men did it take from your State?—A. I have forgotten; seems to me there were about 400; I have seen it in print.

Q. What is the population of Utah?—A. Between 250,000 and 300,000.

Q. (By Representative BELL.) How are your tax laws here? Are they satisfactory to the mining industry?—A. I think so.

Q. No discrimination in the way of taxes?—A. No.

Q. Have you had any trouble with freight rates, special discrimination?—A. We have had no serious trouble for the past few years.

Q. Have you had in Utah such a thing as railroads discriminating against localities at times?—A. I understand there has been, but at the same time I don't know it to be the case personally.

Q. It has been rumored?—A. Yes.

Q. Now, what is your judgment as to the duties of railroads in allowing the freight rates to be the same to all shippers shipping a like product?—A. I realize that the railroads may ship a very low grade ore cheaper than a high grade, but they should ship it for all parties at the same rate.

Q. Have you ever studied the question of the unit that railroads should adopt in establishing a freight rate, whether they should adopt a ton or a car as a unit?—A. No, I have not; but I think it should be by the ton in carload lots.

Q. That is, you don't believe that any great shipper, that may have train-load lots, should have a better freight rate per ton than the shipper of a single car?—A. While I own no railroad stock and have no voice in the railroads carrying freight, I think that a very large shipper ought to get a better rate than a small shipper, for the reason that a party who is a very large shipper—his profits may consist in the amount of saving of freight on the stuff he handles. In ores, for instance, unless he can get an extremely low rate he may not be able to ship these ores at all, while upon the other hand where a man ships 1 carload per month, the chances are that a carload of ore shipped by him is worth 3 or 4 carloads in value of the ore of the larger shipper.

Q. Well, suppose an individual owned a low-grade mine that would produce the same grade of ore as the large shipper, and suppose he could only produce 1 car where the large shipper could produce 5 or 6, don't you think as a citizen he ought to have the same rate as the man who ships a train load of low-grade ore; that is, his car could be hitched to the train and go right along?—A. Yes; probably he should.

Q. That question has become a very important one in the United States?—A. I realize that it is an important one. I was going to say that discrimination between train loads and single car loads should be very slight.

Q. Do you believe in the sliding scale?—A. I believe in the sliding scale in proportion to the values.

Q. (By Mr. KENNEDY.) Per ton of ore?—A. Yes; in proportion to the values carried per ton of ore.

Q. (By Representative BELL.) That is, you would have a minimum rate that would practically pay the cost of carriage?—A. Yes.

Q. And then you would increase that until it could pay a handsome profit where the ore would stand the increase?—A. Increase that until it would pay a good fair profit to the railroad, but not excessive.

Q. That would tend to develop the country, give labor to wage workers, and do nobody an injury?—A. And do nobody an injury.

Q. Have you any laborers working on the sliding scale in this State?—A. Not that I know of. There have been in Colorado some mines that were working probably

on the theory of the sliding scale. When silver went down to the vicinity of 60 cents per ounce many of the mines were compelled to close down, the same as we did here. Some of them cut in the price of labor and continued to work, making the promise that when silver went to such a price that they would advance the price in wages, but in how many instances that has been done I am not informed.

Q. What is your judgment of a system of that kind introduced in mining in low-grade mines?—A. I think it is a just system, both to the employer and employee. It may prevent the employer from stopping his work entirely, and gives the employee labor. Otherwise he may have no chance for labor. I have known a great many who have been out of work for months.

Q. This system would give him a chance to make his living wage, as they call it?—A. Yes.

Q. And would raise his minimum wage to a reasonable wage in the long run?—A. Yes.

Q. How are the mining industries of Utah as to concentration and consolidation; inclined toward consolidation?—A. It has been, recently.

Q. How will that, in your judgment, affect the industries?—A. I don't think it will affect them.

Q. Will it be beneficial?—A. I think it will.

Q. Will you state how it will be beneficial?—A. Well, for instance, the consolidation of a number of mines adjacent to each other has been effected recently in this State in a few cases; and the investment of a large amount of capital, backed by men who are able to develop the undeveloped properties, will certainly give employment to a great many more men, at least for the present. Then it will provide for the development of the smaller claims which are now owned by men of very moderate means. I can not see how it can work any hardship whatever to the employee engaged in mining.

Q. As a matter of fact, in ordinary mining the ordinary individual can not mine on his own account?—A. No.

Q. And by concentration one working shaft or one tunnel may be sufficient for the whole group?—A. Yes.

Q. Is it usual in mining for the manager, as soon as he can get the expense out of the mine, to operate it whether he makes a profit or not; and if he makes a profit the greater part of it goes back to labor and into the mine?—A. That is the case.

Q. And it is not a monopolization of an interest of a character that the ordinary individual could take up, or that he would be able to earn his livelihood on; he must be employed in order to get any advantages out of mining?—A. That is the case.

Q. And it is different from other property in that respect?—A. It is different from other occupations in that respect. As an illustration, I will state an instance: On the Ontario we commenced a drainage tunnel in 1888 to drain the water from this mine. The flow was very heavy and was costing us more than it was to hoist the ore; to hoist the water was costing us very much more than to hoist the ore. At one time we burned 112 tons of coal per day for pumping and hoisting the water alone. That tunnel is now nearly 4 miles into shaft No. 2, which is the first point, being 15,490 feet. When we reached shaft No. 2, as a matter of course it stopped our pumps. It is 1,000 feet from there to shaft No. 3, and when we reached that point it stopped our pumps entirely. We have passed No. 3 now about 2,500 feet, and as a matter of course it perfects the drainage of all that part of the country. Now, the ordinary mining company could not have run that tunnel at all. It cost us nearly $700,000.

Q. Would the ordinary mine, standing alone, justify the running of that tunnel?—A. No; the ordinary mine could not do it.

Q. A claim 600 by 1,500 feet?—A. No.

Q. What effect does the consolidation of mining claims have on smaller mining enterprises? Does it affect them at all?—A. I don't think it does.

Q. In other words, such a combination as that makes a product that does not come in competition with anyone to any great extent?—A. That is so.

Q. There is always an open market and every man gets the same price for the product at the smelters?—A. Yes.

Q. And there is only the combination on the area to work?—A. Yes; with this exception, that while there is a combination of smelters the smelters may fix prices that will shut out the small miner.

Q. The combination of smelters is another proposition altogether?—A. They may do it. They are dealing with the product. But as relates to the product, it is not disadvantageous, and possibly, and very probably in many districts, it would be an advantage, because while these large companies are devoting their means, where there is water to contend with, they are draining the entire surrounding country.

Q. The whole mountain?—A. Yes; thereby enabling the man with a small mine, say with a single location, to go on with impunity and sink his shaft and work his mines. That is the case with us up there now at Ontario. We have enabled every mine around us to work without ever putting a pump in.

Q. Is it not quite customary for a company with a great tunnel like that to make arrangements for adjoining mines to be worked through that tunnel?—A. Oftentimes; yes. We might have made such an arrangement in our case with adjoining mines, but at the time we commenced the tunnel they were not producing and would not contribute, as they didn't know whether their prospecting would justify them at all.

Q. You are familiar with what is called the smelter trust?—A. Not very; no.

Q. You know from newspaper report and general talk that there is such a thing as a smelter trust?—A. Yes.

Q. Taking in the greater part of the smelters of the country?—A. Yes.

Q. Do you know what effect that has had on mining?—A. So far as I am informed, I don't think it has hurt mining enterprises.

Q. That is, in Utah?—A. Yes. What has been done in other places I don't know.

Q. The trust takes in some of your smelters here?—A. Yes.

Q. It takes in 7 or 8 in Colorado—I don't know just the number—some in Omaha and other portions of the country?—A. I believe it takes in all the smelters here—the Germania, Pennsylvania, and the Hanauer. They are the only 3 live smelters here.

Q. They have all the smelters in Colorado that they could get. The Guggenheims have one at Pueblo, Colo., and one in Mexico and one in New Jersey, and the Argo works in Denver, owned by Senator Hill. These are the ones, as I understand it, that are out. Now, is it your judgment that a great combination like that is for the best interests of the country or otherwise?—A. I think it is dangerous to the interests of the country.

Q. You believe that a combination of that kind with such a power, placed under one management, is liable to be abused?—A. Liable to be abused.

Q. Whoever may have charge of it?—A. I think so.

Q. Now, in what manner would you expect an abuse of that power; what would create the fear in your mind?—A. Well, they would dictate the price of labor at their smelters; they would dictate, so far as possible, the prices they would pay for the ores they purchased. It always leaves them in a position to discriminate, as they may choose, between the ore producers—that is, discrimination as to what they pay the ore producers. They might be able to close some mines entirely that are now running at small profits.

Q. Fifty cents per ton often measures the margin between the power of the company to operate or shut down a mine?—A. Yes.

Q. Suppose that all of your smelters were in the combine, together with ours in Colorado, and the surrounding country, and your smelters got into difficulty with their employees, and in this difficulty there should be some feeling on one side or the other, and they should discharge the smelter employees in Utah. They would all be under the same management. Suppose the discharged employees then went over to Colorado hunting work. They would find the same combine there and the same in Omaha. In other words, does not a combination of this kind destroy the law of supply and demand?—A. It certainly does.

Q. And it would give the laborer no field for operation; he would have no choice; he would either have to abide by the dictates of the combination or go out of the business?—A. Yes.

Q. There would be no place for him to go after he left one of the concerns in the trust?—A. Not only would it apply to the laborer but to the ordinary producers.

Q. And with all the patrons; if they left the State of Utah and came to Colorado there they would have to deal with the same combine; if they tried to go to Omaha, they would find it the same there; in other words, you can not get away from it?—A. You can not get away from it.

Q. In other words the law of supply and demand and competition are both weeded out and destroyed by the combine?—A. Yes. It is a very dangerous power.

Q. Would it not also have a tendency to dismantle all the small works?—A. I think it would.

Q. What effect would the dismantling of some of the works have on the little communities around those plants and the homes established there by the men?—A. It would simply make them desolate, because the values would be gone and there would be no further occupation there, and they would have to leave these homes and seek some other branch of employment.

Q. I suppose you know from current history that the sugar trust and oil trust have pursued this identical course?—A. Yes.

Q. That is, where they had these little outside plants they dismantled them immediately and went to the great centers, thus congesting the population in the great centers and destroying the communities where the individual plants were running. Now do you think that is for the benefit of the public at large, to congest the population in the great centers?—A. I think it is the greatest injury that could befall them.

Q. Do you know that it is inevitable if these great concentrations go on, that they must further congest the population in the great centers?—A. I think it is.

Q. You have had some legislation in your State recently known as the 8-hour law; will you give us your judgment of that, how it has affected capital and how it works with labor?—A. Well, as that law is framed in Utah, I don't think it affects capital but very little, because it particularly appertains to mines and mining. If mines are properly managed they can get about as good a compensation of labor from 8-hour men as they can from 10-hour men. The shift that goes on to-day at 3 o'clock comes off to-night at 11 o'clock; the shift that goes on at 11 o'clock takes the tools out of the hands of those that are in the breast at work.

Q. From the time they take up their tools?—A. Yes. The time begins then, and they are right at the breast at work when they change shifts, so there is no time lost between shifts.

Q. How about the dinner hour?—A. They are generally allowed 20 minutes.

Q. Does that come out of the employer?—A. It comes out of the 8 hours.

Q. Then you don't get the full 8 hours?—A. No.

Q. (By Mr. KENNEDY.) It could not come out of the men who work the 8-hour shifts?—A. No.

Q. (By Representative BELL.) And does it affect the men beneficially?—A. I think a man will do under these conditions as much work as the ordinary man will do on the 10-hour shift.

Q. That is, he gives you an 8-hour stroke?—A. He gives an 8-hour stroke.

Q. Then the law is working satisfactorily?—A. I think so.

Q. In Utah?—A. Yes.

Q. You have the distinction of being the only State in the Union with an 8-hour law?—A. So I understand. There was an attempt during our last legislature to apply the 8-hour system to men working upon the surface.

Q. (By Mr. KENNEDY.) Why did it fail?—A. Because it was not considered that working upon the surface was so dangerous in respect of either life or limb. It is a more healthy occupation in many instances.

Q. (By Representative BELL.) Is there any overproduction of gold, silver, copper, lead, zinc, or any other minerals you produce in Utah?—A. I think not.

Q. There is a ready market?—A. Ready market for all the minerals produced.

Q. Then you would say the industry is thriving?—A. I would say that the industry is certainly thriving.

Q. What rate of wages have miners in Utah?—A. The wages are different in different districts or localities; in some districts they are paying $2.50 per day for 8 hours labor; in others they are paying $2.75 and $3 per day. It has always been my opinion that wages in any occupation should be in proportion to the conditions that exist and to the ability of the man.

Q. It makes it practically the sliding scale?—A. Yes; it makes it to a great extent the sliding scale. Now we are paying for miners $2.50 in our mine, but they are working in dry stopes. They are not miners; they are not good miners at all. Other men working in almost the same stopes are getting $2.75; others that are capable of taking care of bad ground, or more difficult ground, get $3 per day, while shaft men engaged in sinking shafts receive from us $3.50 per day; first because it is wet ground and more dangerous and really harder work. It takes a good lusty man to make any motion in a shaft.

Q. You have not a uniform scale here as they have in some places?—A. No; I don't believe in it; I believe that every man should be paid for what he does; for what he is compelled to do.

Q. What effect do you think it has on the man himself? For instance, your men in the stope get $2.50, and seeing those right in front of them getting $2.75, will it not be an incentive to them to try and work up to the men who are getting $2.75?—A. That is just what I was going to answer you. You have given my answer. The man himself is going to do as you say, try to work up so that he can secure better wages as soon as he can.

Q. It seems that in Colorado, especially around Cripple Creek and Leadville, the uniform wages are $2.50 for surface men, $5 for inside men, and in Montana $3.50 for underground men and $3 for outside men, and in the Cœur d'Alenes $3.50 all around?—A. That is in consequence of the unions.

Q. You think it was through the union and union alone that these scales were fixed?—A. I would put it in this way: I think the unions have forced that scale of wages.

Q. Have you any unions here?—A. No; there are no active unions that I know of in the State.

Q. Have you ever had any strikes in Utah?—A. There have been no strikes here for about 20 years. There was a strike, miners' strike, in southern Utah down at Silver Reef. That is the only strike that I recall.

Q. Do you know what brought about that strike?—A. It was a demand for union wages, if I recollect rightly; they had a union down in that district.

Q. Do you know whether there was any property destroyed?—A. I think there was, and two or three mine managers were escorted out of the camp under threats of being killed. Some of the strikers were sent to the penitentiary for a short time.

Q. Do you know whether there was any violence to persons outside of that you have mentioned in that strike?—A. I don't recollect of any.

Q. Have you such a thing as a company store connected with the mines in Utah generally?—A. I have understood that there was at Tintic one or two company stores.

Q. Are they connected with metalliferous or coal mines?—A. With the metalliferous.

Q. Do you know their system of operating these stores?—A. I do not. There have been no company stores at Park City.

Q. They are not very usual with the metalliferous mines?—A. No.

Q. Have you the hospital attachment?—A. Yes.

Q. What kind of satisfaction does that give in Utah?—A. Very good satisfaction.

Q. Men don't seriously complain?—A. No.

Q. What is your judgment, that it is better for the men?—A. I think it is very much better.

Q. In what way?—A. Because if they get sick they are very well taken care of at no expense to themselves, and if they get mutilated in any way, that is to say, any of their limbs broken, they receive the best medical treatment that can be found, without charge to themselves.

Q. Well, they usually pay $1 a month, don't they?—A. They usually pay $1 a month; but beyond that they are at no expense.

Q. Have you such a thing as an insurance system in Utah?—A. There have been several insurance companies, called accident insurance companies, which have insured the men; but in my district, at Park City, there are practically no accident insurance companies that are actively at work just now.

Q. I understand the company has something like your hospital system; that $1 per month is taken from each man, and the men are insured against accidents up to $5,000. Is that the kind of a system you have here?—A. The companies sometimes insure against accident to the men without expense to the men at all.

Q. Well, the men would have no cause to complain there?—A. No cause for complaint at all.

Q. I understand in different places they hold back $1 to the man?—A. To pay for accidents. For instance, the Travelers' Insurance Company used to be quite active at Park City, soliciting insurance from individuals, but there are cases where they insure, for instance, in proportion to your pay roll.

Q. Do you have in Utah, to your knowledge, what is called the employers' liability law?—A. I believe there is; but I have really forgotten whether that bill was defeated or not.

Q. Have you such a thing as a mine-inspection law?—A. Inspector of coal mines.

Q. But that don't apply to your metalliferous mines?—A. No.

Q. Have you such a thing as sanitary or personal safety laws applying to the metalliferous mines here, requiring ventilation, a certain amount of timbering, etc.?—A. No.

Q. Those things naturally go with an inspection law?—A. Yes.

Q. Now, what would you say as to the moral, social, and intellectual condition of the miner to-day as compared with 10 or 15 years ago—whether it is improving?—A. I think the moral and social condition has improved very much in the past 15 years.

Q. To what do you attribute this principally?—A. I attribute it to the fact that a majority of the mining districts of this State are now settled by a more substantial and moral class of men than the ordinary new district. When a new district is found, there is generally a great rush to that district, and more of that class of men who are fond of adventures and care but little for their own personal standing go into the new districts and apply any kind of jugglery in order to get a foothold upon ground that probably has been properly located by its original founders. Also in the well-established districts morality has much improved in consequence of the establishment of the common-school system and churches of the various denominations, which have quite an influence upon the population.

Q. You have good schools throughout your mining district?—A. Yes.

Q. The miners' children attend them generally?—A. They do.

Q. Do many of the miners have families?—A. A majority of the miners have families.

Q. How is it about trying to get homes of their own?—A. Many of them endeavor to be very economical in order to enable them to get permanent homes outside of a mining camp.

Q. A mining camp is not always considered a desirable place for a home; I suppose they prefer to get down in the valleys more?—A. Yes.

Q. Now, you were speaking some time ago about your wage scale here. Do you

know about what a man can save here on $2.50 per day, as compared with what he could save in Butte, Mont., or Cripple Creek or Leadville, Colo., on a higher wage of $3 or $3.50 per day?—A. I think a man can save as much money here.

Q. Please explain that so that anyone reading this would understand it.—A. I think a man can save as much money here on $2.50 per day as he can in Butte on $3.50 per day, and those getting $3 a day here I think are very much better off than those getting $3.50 per day in Butte, because they get their living much cheaper. Farm products can be secured at considerably less here than at Butte. And I also think that the miners in this section of the country are more generally economical than those at Butte or, for instance, in the Cœur d'Alenes—that is, from the information I have. I can only speak of the Cœur d'Alenes from information, as I have not been there, but I have been in Butte very often. As an illustration, I paid my men in the tunnel $3.50 per day, and the pusher on each shift got $4.

Q. (By Mr. KENNEDY.) What is the pusher?—A. The foreman, though you can not call him a laborer. You see there would be three shifts and one pusher to each shift. These men had to wear gum boots, coats, and hats, and had to take care of that themselves. A gum coat costs about $9. That is the cheapest. They send to Chicago and get them, and give them to the men at cost. We frequently had them brought out by express. The miner always contends that it costs him 50 cents per day for his gum suit—that the average cost is 50 cents a day—but I don't believe it is that much.

Q. Is there anything we have not asked you about that occurs to you that would bear upon any of these subjects?—A. No.

Q. Have you many farmers working in the mines, comparatively?—A. Farmers' boys, yes.

Q. Farmers themselves, proper—men who come to work in the mines for a while and then go back to the farms?—A. They frequently do that.

Q. Is there a considerable number of such employees in the mines?—A. Yes; quite a good many.

Q. They are not fully skilled, then, are they?—A. No, they are not; and they generally get the lower wage until they are skilled.

Q. You stated, I believe, that there was no organization of miners in this State?—A. None that I know of. There was a union at Park City, but it never accomplished any prominence, from the fact that they could not get anywhere near the majority of the miners to join the union. I don't think over one-third of them joined the union.

Q. Would you give your reasons, as you believe, why there is no such organization in this State, the miners being thoroughly organized in the adjoining States?—A. There have been many attempts to establish unions in different mining camps in this State, but they have failed, and my belief is that miners here generally look upon unions in this light; that they are promoted by parties working in their individual interests more than for the common interest of the organized miners—that is, I mean to say that there are a class of men who devote themselves entirely to the work of establishing unions, hoping to become officers of these unions, or patrolmen in one sense, to enable them to get a salary which would be much larger than the miner gets himself and without any labor. In other words, they are generally promoted by a class of men who make their living by their wits, I think—a majority of them.

Q. Looking over the broad field of labor and noting the many instances of successful organization in various industries, would you say that is generally true?—A. I am afraid it is to a great extent.

Q. Take the typographical union, for instance, which is, it is true, thoroughly organized in all of the States, do you think it would apply to that organization? A. Well, I am not posted at all upon that, but I think it is.

Q. Would $100,000 or $500,000 or $1,000,000 invested in mining in the State of Utah yield as large a return as the same amount in Colorado or the Cœur d'Alenes? Is the investment as safe and would it yield as large a return?—A. To your first question I would say it would be owing to how the investment was made.

Q. Speaking generally, give your opinion in regard to it.—A. I think the chances for the investment of capital are just as good in either Colorado or Montana.

Q. Are the operators as able to pay as good wages as operators in the State of Colorado, for instance?—A. I think they are. As I have said before, however, it is entirely owing to the conditions. One mine might be able to pay $3 per day; another mine within a quarter of a mile could not pay it, and if they were compelled to pay $3 per day they would have to close down.

Q. If, speaking generally, they are able to pay as good wages as they are in Colorado and do not pay such wages, is it probable that that is due to the fact of the miners being organized in Colorado and, being unorganized here, not demanding greater wages?—A. No; I don't think so. I think it makes no difference. We have many applications for work from miners who have come from Colorado, and when we have any work to give them they go at it without any reluctance or demurrer.

Q. Union men or non-union men from Colorado?—A. I don't know whether they belong to the Colorado unions or not.

Q. Don't you believe organization is as beneficial and necessary for the workingman as it is for the capitalist, and that if organization is going on in capital it is necessary for the laboring man to organize to protect his rights?—A. I would approve of it if properly conducted.

Q. Speaking of their being properly conducted, you mean attend to their own business and attempt to regulate their hours and the conditions under which they work and have some voice in the fixing of the wage for which they shall work?—A. Well, yes, in one sense. Now, as an illustration, I will say that the Homestake, in the Black Hills, has been paying their miners $3.50 per day for years, while the Deadwood Terra, at a short distance from it, was closed down, the ores being of such a low grade that it would not justify them in working it at that price. After that mine laid idle for a time, of course the outside world said, "Why don't you open your mine, and why don't you go on working?" and it says this, that, and the other thing, not knowing exactly the financial conditions of affairs, because companies, like individuals, to a great extent, don't care to publish their financial condition. Well, the owners and managers of the Deadwood Terra mine made a proposition to the men that they could go to work; that they would start work in the mine at $3 per day, and when they found ore enough to justify it they would renew the old wages of $3.50 per day. They had no trouble at all with filling the mine with all the men they wanted. While others were working almost within sight of them and getting $3.50 per day they were working for $3 per day and were doing just as good work, I am told. Sometimes the mine would look brighter and the company would do a great business, and the next month things would look dark again, until at last it closed down and has been closed down since. It has been closed down during the past year, and has not worked at all because the mine could not even stand that rate. They continued the work until their surplus was cut down to a very few thousand dollars, and then closed the mine down. I think they have only $15,000 as a surplus now, and they had $50,000 or $60,000, if I remember rightly.

Q. Do you approve or disapprove of the combination of capital which is now going on in the industrial world; the combinations known as trusts?—A. I fear the results.

Q. You seem to have a very poor opinion of the men who organize labor unions. Do you have an equally poor opinion of the men who organize the industries into one great combination, and of the overcapitalization of such concerns generally?—A. Yes.

Q. You say you disapprove of the labor organizations as now organized; could you state what form of organization for laboring men would meet with your approval?—A. Well it would require considerable thought to answer that question because it is a matter of very serious consideration. I don't feel competent to answer that question.

Q. You state it as your belief that the men who now work 8 hours and who formerly worked 10 hours, perform as much labor in the 8 hours as they did in 10?—A. I think so; it is as satisfactory.

Q. You believe that so far as your employees are concerned?—A. Yes; I believe that of a certain class of work—underground miners. Now, to illustrate, we have never worked less than 42 men since we closed down. We closed down our mill entirely. It took 84 men to man the mill. Since that time, 2 years ago this August, we have relied upon that portion of the mine that carried more or less lead product with the silver product, and it has enabled us to sell the ores to smelters to an equally good advantage and in many instances better than we could have reduced them in the mill; therefore we have a little more than made expenses during the past 2 years we have mined, besides keeping the mine in good repair and condition to be ready to start with a full force at any time. We worked 8-hour men, and until lately we only worked two shifts. We allowed the men so much time for their lunch—20 minutes is the general time allowed. The morning shift would go on, and when their time would come to go off the second shift would come and go on, taking the tools right out of the hands of the first shift, which would be at the breast of stope; therefore there was no time lost to the employee in traveling from point to point. We have the 8-hour law in our place and it only applies to the time that they are actually at work. If a man lives some distance from the mine and gets up a little late in the morning and has to walk very fast to get to the mine in time, he is practically exhausted when he gets to the mine and is in no condition to go to work. As it used to be, under the 10-hour system, they would be at the collar of the shaft ready to go down, and the time counted from the time the whistle blew in the morning. They would start down the shaft when the whistle blew, and the time counted from then until they came out. They would be allowed an hour at noon and would come out at 6 o'clock in the evening, which made it 10 hours. Now the time lost in getting from point to point is not counted at all. Under the 8-hour system they actually work 8 hours at the breast of the tunnel or stope, or wherever they are at work.

Q. Do you think the miners of Utah have an ambition to show that they appreciate the exceptional favor which they have in regard to hours by doing as much work in 8 hours as they did in 10 hours?—A. I think it stimulates men to do a good, honest 8 hours' work. My foreman tells me that they don't find men asleep up in the dry stopes as they used to, or lounging around "smoking the pipe a bit," as the Cornishmen say, as they used to. There are many ways the miners can kill time if they want to. The foreman is required to see that they do their work and they are more particular and more stringent in their demands than they used to be, and every miner knows very well if he is caught loafing in any manner that he will get his time. The advantage of the 8-hour system has been given to him and he should not abuse it.

Q. What nationality predominates in your mine?—A. We have a general mixture.

Q. Are there more Americans than there are miners of all other nationalities?—A. I think not.

Q. The larger per cent are foreigners?—A. Yes.

Q. Now, how would you rate that foreign per cent? Italians first, northern Europe people first, or English, Irish, or Cornishmen first?—A. I would say Irish-Americans were first.

Q. You mean you have more Irish than any other foreign element?—A. Yes; more Irish than any other foreigners. I would take the Irish and Scandinavians.

Q. No Italians?—A. None at all. I have had at different times quite a number.

Q. Does the American make as good a miner as a foreigner?—A. Equally as good, I think.

Q. Has he any advantage on account of his knowledge of the language and institutions and people?—A. No material advantage.

Q. All things considered, you would prefer the American miner?—A. I would.

Q. If you could get plenty of them?—A. Yes.

Q. Judge Bell spoke to you about the war having drafted so many men in the service that it had some appreciable effect on the labor market, and you stated you had a population of 250,000 or more in Utah and about 400 altogether went to the war in the volunteer and regular service. I suppose the 400 men were drawn from shops, factories, offices, farms, and mines in numbers about equally proportioned?—A. About equally proportioned, I suppose.

Q. Such a number going from the State of Utah would not make any appreciable difference in the labor market, would it?—A. I should think not.

Q. Still you say you have more men than at any time within the past 5 years in the general mining industry of the State?—A. I think there is; yes. I think there are more men employed.

Q. Which would indicate an era of prosperity in the mining industry in this State?—A. Yes.

Q. When silver was demonetized and silver mining became unprofitable did that stimulate development and mining of other metals?—A. It did.

Q. Gold and copper?—A. Yes; gold, copper, and lead.

Q. You think it had the effect of stimulating these?—A. Yes; for the first year or two mining was at a very low ebb here and until the advance in the price of lead. The advance in the price of lead made a very great difference in the working of the old mines and the opening of the newer ones. For instance, if you get ores that will go only about 10 per cent lead, that amounts to about $8 per ton, and that assists very much in the production.

Q. Do you believe the miners should have 1 day of rest out of 7?—A. Well, I believe it is better that they should have.

Q. Do you think it would be helpful to their physical, moral, and mental condition if they were allowed a day of recreation like men in other avocations?—A. As a general rule I think it would, and at the same time it should be governed by local surroundings and conditions. If the saloons, dance halls, and gambling houses are open, as formerly has been the case, then the miners would be better at work, but if they are closed and the miners can go to church or get any kind of recreation that would not be an injury to them physically, then it would certainly be very much better for them and for the works where they are employed, because they would be able to go to work Monday morning refreshed and able to do better work.

Q. You think if a man has to toil every day in the year it has a tendency to brutalize him and coarsen him and drive him to drink?—A. No; I don't think that. I don't think it has a tendency to drive a man to drink. Now, take it in my own case; I have never worked men in my mine on Sunday only where it was necessary to keep mills running. For instance, if they were a little short of ore it might be necessary to work quite a full force, but generally the men are laid off on Sunday.

Q. As a principle, then, you believe the men should have 1 day's rest in 7?—A. Yes; I believe in the principle of 1 day's rest in 7. However, it would not do to shut down a mill, because it would cost nearly 2 days' work to shut down a mill and then start it up again, and it is the same way with the smelters. It takes a long time to

get them heated up again, and men working in these capacities are obliged to work Sundays; but there are always plenty of men to take their places and give them time for rest.

Q. Do you have the substitute system in the mines?—A. Yes, for certain places, where we must have a man there all the time.

Q. Can any miner put on a substitute to do his work?—A. No, unless the mine or mill foreman approves.

Q. I would like to ask you what are the influences that brought about the adoption of the 8 hour law in Utah?—A. Well, the miners generally advocated it, and the mine owners as a rule concluded that it might be better to try it a while and see how it would operate, and by not opposing it in the legislature let it become a law. They thought it might be the means of keeping down unions and strikes and any amount of disturbances among that class of men.

Q. Was it not a fact that the 8-hour principle was planted in the platforms of the political parties in this State without very much agitation on the part of the workers in the mines?—A. It was first agitated by the workers in the mines.

Q. Generally throughout the State?—A. Not very generally. It was really agitated more from Tintic than anywhere else.

Q. Just one place?—A. I don't think it was agitated in Park City at that time. They had their committees of miners to appear before the legislature.

Q. There is a clause in the constitution of the State giving the legislature the power to enact such a law, which was adopted prior to this time, is there not?—A. Yes.

Q. And before the agitation of the miners for a shorter workday?—A. Yes; it had been talked of before that.

Q. (By Representative BELL.) Do you know of anything else you would like to suggest?—A. As I have stated before, I fear the result that may follow the establishment of trusts, the combination of mines and smelters, and I think there ought to be some national legislation upon that subject. I believe there would be no great danger here immediately, but I am of the opinion that it will bring about a little more infringement than there has been upon the employees of the mining districts, and it will tend, as you have suggested, to anarchy to a certain extent, and the result of that time can only tell. While I believe that capital should have all the necessary protection that it is entitled to, and that the man that invests his money should have all proper protection for his investments, I believe at the same time capital should not be entitled to impose too largely upon labor.

Q. Do you know the method that was adopted in valuing these smelters that sold out to the trust?—A. Well, I have heard it indirectly.

Q. Do you know whether they charged a great deal more than it would cost to duplicate them?—A. Yes, I know that. These smelters were sold, some of them, for twice or three times the value of them. I look upon that as a stock-jobbing operation.

Q. Well, will it not be the inclination of that trust to try to make the miner pay for it by a dividend on the entire capital?—A. Yes, that is just the point I have feared all the time. If they do that, it is going to make trouble.

Q. In examining the men who created the sugar trust, the men themselves swore that their stock represents more for good will and name, and influence of name, than the value of the property itself; for instance, Mr. Havemeyer said that the name of his firm was worth more than all the plants put together, and that they put into the trust the value of their trademarks and value of the business they had built up, and that really the greater part of the stock was made up of that fictitious value. Is it your idea that the smelter concern is built up the same way?—A. Undoubtedly.

Q. The men said, "We have a business and a reputation, and if you want this you will have to pay for it?"—A. Yes.

Q. And that capital will be expected to earn a reasonable dividend on the fictitious value as well as the actual stock, from the miner?—A. Yes.

Q. Not only that, but a number of plants will be dismantled and thrown away, and you will have to pay earnings on this worthless stock also?—A. That is so. For instance, in this valley there were three active smelters, the Hanauer, the Germania, and the Pennsylvania; the Pennsylvania and the Hanauer shut down for a time, but I believe the Pennsylvania started up again. The Hanauer plant is still closed down; that is, it is closed unless it started very recently.

Q. That threw out of employment a large number of men?—A. While it was in running condition it was certainly a far greater benefit, not only to the employees, but to the community at large.

Q. I suppose there was a little settlement built up around those smelters?—A. Around each of them.

Q. Men built their homes there, intending to make themselves a part of the institution?—A. Were a part of the institution.

Q. And that made a better citizen, made a better employee, and he built his home

with the understanding that it was to be a permanent institution and that he would become a part of it. Now, the shutting down of the plant would squeeze the value out of his premises?—A. Yes. He has built a comfortable little home, and has good schools to send his children to, and now he will have to leave.

Q. Does that not have a tendency to engender bad feelings and bad ideas relative to his Government?—A. It certainly does. Not only that, but it has a tendency to make him immoral and, perhaps, to apply the torch.

Q. (By Mr. KENNEDY.) Speaking about combinations and your fear of them, would you be in favor of strengthening the Interstate Commerce Commission's power so that they would have the absolute power of preventing freight discriminations?—A. I think it would be well to do it.

Q. You know Senator Hill, of Colorado, as I believe Judge Bell has told you, fears that his company may be forced to the wall through freight discriminations?—A. No, he didn't tell me that; I inferred it from what he said.

Q. You would like to see the Interstate Commerce Commission endowed with power to prevent anything of that sort?—A. I undoubtedly would; I think it should be done.

Q. You would also like to see laws enacted preventing the overcapitalization of corporations?—A. Yes; I have the opinion it should be done.

Q. You don't believe a corporation which is such a profitable concern that it earns dividends of 30 or 40 per cent should be allowed to water its stock so that it apparently makes only 5 or 6 or 8 per cent?—A. I think it is a wrong principle. At the same time they would all do it if they could.

Q. In Germany no man is permitted to sell his products at a price below the cost of production for the purpose of driving a rival out of business. Do you believe that would be a good principle to incorporate in the laws of this country?—A. Yes. While it would work an injustice to the man you are driving out of business, yet for a time others would profit by it—that is, the producers. While they would profit by it, at the same time it is an injustice to the commercial world and such a thing should not be done or tolerated.

Q. The opponents of the Standard Oil Company say they can do a business at a profit in Germany, because the Standard Oil Company or any other company would not be permitted to sell at less than the cost of production for the purpose of driving them out of the business. If these three propositions that I have brought up and which you approve should be adopted by the nation and States, that they would be sufficient to control the trusts?—A. I think they might be. They would certainly be good as a leverage upon them to hold them down within some bounds of respectability at all events. Whether it would accomplish the result in full or not, of course I could not tell.

SALT LAKE CITY, UTAH, *August 3, 1899.*

TESTIMONY OF MR. RICHARD H. TERHUNE.

Mining engineer and metallurgist, Salt Lake City, Utah.

The subcommission on mining met at 9 o'clock a. m., August 3, 1899, at Salt Lake City, Utah, Chairman Bell presiding. Mr. Richard H. Terhune was sworn, and testified as follows, the topical plan of inquiry on mining being followed:

Q. (By Representative BELL.) What is your name?—A. Richard H. Terhune, Salt Lake City; mining engineer and metallurgist.

Q. How long have you been engaged in that business?—A. Twenty years, in lead smelting.

Q. How long have you been in Utah?—A. Twenty years.

Q. Please state whether the mining industry is prosperous or otherwise?—A. Very prosperous.

Q. How does the condition of the industry compare now with 20 years ago, when you came here?—A. It is very much more advanced.

Q. How does the earning capacity compare to-day with the past?—A. Very much greater.

Q. What is the condition of labor to-day as compared with 20 years ago?—A. Its remuneration was greater in the smelting industry then than it is now.

Q. How was it in mining?—A. I can not say how it was in mining.

Q. About how long have you been engaged in the smelter industry?—A. Twenty years.

Q. What smelter did you operate during that time?—A. I operated the Hanauer for the greater part of the time.

Q. You say the wages in the smelters were greater some years ago than at the present time?—A. Yes.

Q. How were the living expenses a few years ago as compared with the present?—A. They were also higher.

Q. How do the net earnings and net savings of the smelter laborers to-day compare with 10 or 15 years ago?—A. Under the 8-hour law the net savings are a little less.

Q. How long have you had the 8-hour system?—A. Since June 1, 1896. Prior to that time we were working on the 12-hour system.

Q. When you changed from 12 hours to 8 hours, what change was made in the wages?—A. Your question is fully answered in this table; it is quite complex.

Q. You just make that your answer?—A. Yes; the table presents the scale before January 1, 1894, when the reduction of 10 per cent was made; the scale after the reduction of January 1, 1894, and the scale under the 8-hour law, June 1, 1896, embracing 14 kinds of labor. The table is made out for each occupation.

The table above described follows:

Rates of wages, Hanauer Smelting Works, Utah.

Occupation.	Before 10 per cent reduction of Jan. 1, 1894.	After 10 per cent reduction of Jan. 1, 1894.	Under 8-hour law, June 1, 1896.
Crushermen	$3 per 12 hours	$2.70 per 12 hours	$2.40 per 8 hours.
Roast firemen	$2.50 per 12 hours	$2.25 per 12 hours	$1.66 per 8 hours.
Roast helpers	$2.25 per 12 hours	$2.25 per 12 hours	$1.50 per 8 hours.
Blast furnace feeders	$3 per 12 hours	$2.70 per 12 hours	$2 per 8 hours.
Furnacemen	$3 per 12 hours	$2.70 per 12 hours	$2 per 8 hours.
Furnace helpers	$2.25 per 12 hours	$2.25 per 12 hours	$1.50 per 8 hours.
Laborers	$1.75 per 10 hours	$1.575 per 10 hours	$1.40 per 8 hours.
Suppliers	$2.25 per 12 hours	$2.025 per 12 hours	$1.50 per 8 hours.
Teamsters	$2.25 per 10 hours	$2.25 per 10 hours	$2.25 per 10 hours.
Night foreman	$4.50 per 12 hours	$4.05 per 12 hours	$3.25 per 8 hours.
Day foreman	$160 per month	$144 per month	$144 per month.
Blacksmith	$4.25 per 10 hours	$4 per 10 hours	$4 per 10 hours.
Blacksmith helper	$2.25 per 10 hours	$2.25 per 10 hours	$1.75 per 10 hours.
Dump foreman	$2.50 per 10 hours	$2.25 per 10 hours	$2.25 per 10 hours.

Q. What was the net reduction on your pay roll?—A. The net reduction of the labor was about 23 per cent, and the net increase of the pay roll was about 10 per cent.

Q. The net increase in the cost of labor was about 10 per cent?—A. About 10 per cent.

Q. Did the 8-hour law affect the smelter detrimentally?—A. No.

Q. Please explain, then, how you can pay 10 per cent more than under the old régime?—A. The improved efficiency of the service.

Q. Then you get better labor with the short work day than with the long?—A. Yes.

Q. How did the shorter work day affect the men?—A. It affected them very favorably as regards health and efficiency, and I think moral standing also.

Q. Do the men prefer the shorter work day with the decrease of 20 per cent in wages?—A. Yes; there was a general preference; no hostility to the legislation at the time.

Q. What effect did it have on other employees not then engaged?—A. It absorbed perhaps 30 per cent more men.

Q. Then it gave more employment, distributed the work better, and used up the idle increment always obtaining about the works?—A. Yes.

Q. How did the average days per month under the 8-hour system compare with that under the 12 hour?—A. Having inspected the pay rolls before and after, I think it increased the number of days about 25 or 30 per cent.

Q. The men are able to put in more days?—A. Yes; about 25 per cent more days.

Q. Then they do pretty near the same amount of work per month as before?—A. Yes.

Q. And it is better distributed through the town?—A. Yes. The hours were less, but that was in a measure compensated for by the greater number of days of labor performed.

Q. That is, you mean his compensation per day was less, but at the end of the month he earned probably nearly as much as formerly?—A. Yes.

Q. By reason of getting in more days?—A. Yes.

Q. Now, what would you say of the benefits of the 8-hour work day generally?—A. I would say that they are very great, especially to the employees, to their families, and indirectly to the staff of the concern, who are dealing with a better and more satisfied element.

Q. (By Mr. KENNEDY). Of benefit to the community generally?—A. Yes.

Q. What effect has it on the race?—A. To the human race I would say it was highly beneficial. Shorter hours of manual labor give increased time for recreation.

Q. You would say that the employer of labor has not suffered?—A. I would say that he has not suffered.

Q. If there has been any change it has been to his benefit as well as for the employees?—A. I would say it was generally beneficial to the welfare and moral standing of the community, adding to the steady citizens, and adding to the healthfulness of the community.

Q. Is it your judgment that 12 hours is too long?—A. Entirely too long, especially so in smelters and kindred pursuits.

Q. What is exceptional in smelting and in mining that would permit such a law to be passed and make it in a measure a sanitary law?—A. Arsenic, sulphur, and lead.

Q. Those are deleterious to the health of the workman both in mines and in smelters?—A. Yes.

Q. Your smelters are run with lead as a flux?—A. Yes.

Q. Have you made any improvement in recent years for consuming the fumes?—A. Yes.

Q. How has that affected the health of the men?—A. It has made it practicable to operate our works, which under the old system would be impossible.

Q. Do you expect other improvement on that line?—A. I do; I regard it as an appropriate field of legislative inquiry.

Q. How do you think it has affected the miners?—A. Under the general law of increased time for recreation and diminished exposure to poison, it is favorable.

Q. Do you think the mine owner gets practically as much work out of the miner in 8 hours as he formerly did in 10?—A. Yes.

Q. How do you account for that?—A. Increased satisfaction of the miner, adding of recreation, and a general conviction of the recognition of his rights by the community, recognition of the individual rights of labor.

Q. Is it not usual, if a man is going to take a very long journey, that he will start off at a slow pace, and if he is going to take a very short journey he will start off on a brisk pace?—A. Yes.

Q. Don't you believe if a man is going to work 8 hours he will adopt an 8-hour stroke?—A. I do.

Q. If he is going to work longer hours he will prepare for the longer stay by slowing his stroke?—A. Yes.

Q. Is that the conviction of mine owners generally, that they can get practically as much work in the 8-hour system as under the 10?—A. Yes, I think so, especially of those I have conversed with.

Q. You have conversed generally with mine owners?—A. Yes, and in general industries as well. The diminished manual labor promotes the development of the mind and tends to quicken the men's physical exertion. Under that law a man whose mind is developed by recreation and study has a quicker physical action; more so than a man with a slow and undeveloped mind.

Q. In other words, a well-developed intellect directs the muscular force better than an undeveloped?—A. I think so, if you make a physiological study of it.

Q. And intelligent labor is always to the advantage of the employer?—A. Yes. The value of the skilled operators and laborers in mining and metallurgy can not be overestimated, and certainly the mind is quickened by shorter hours of physical labor.

Q. Is it your judgment of the employees of Utah that they are improving their intellectual or moral condition?—A. I think so; yes.

Q. To what do you attribute that?—A. To the entrance of their children in the public schools, to the cheaper price of literature, and more time for intellectual pursuits, especially in the case of mining and smelting.

Q. Do the miners and smelting men generally send their children to the public schools?—A. Yes.

Q. The public schools are very efficient in Utah, are they not?—A. Yes; very high standard.

Q. Do the banker, mine owner, merchant, real estate man, and other citizens send their children to the same schools?—A. Yes.

Q. And they are educated together?—A. Yes.

Q. What, in your judgment, will be the result of a generation educated, as they are, in the same schools coming face to face in their youth; will there be an improvement, and in the way of efficiency in life and general citizenship?—A. It will develop a closer relationship between the rich and the poor.

Q Will it not bring the extremes more closely together?—A. Yes; if your question aims at the industrial effect, I would say it would be beneficial. It will shorten

the hours of labor and give them more time for physical and mental recreation, stimulate invention, and perhaps reduce the compensation of labor by its tendency.

Q. Well, is it not your judgment that where all these children are educated together and brought face to face and competing in studies, the miners' and laborers' child often surpassing that of the banker and merchant and mine owner—does it not mean a mutual respect, and won't it eventually result in a great improvement in the distribution of the products of labor?—A. That will surely be its tendency.

Q. Would you not say that the present generation has advantages over the past that can not be measured, by reason of our public-school system?—A. I would say it will if proper conditions obtain. We must save for the strain for business under the universal civilization, which will result in an opposition which will be great, and the chances of the population will be universally limited; therefore I say it will result in lower wages and a very high standard of service, and the reduced dependency upon manual labor and more upon the forces of nature.

Q. Is it not your judgment that a race of people brought up as this generation is will make different genius from what we have made?—A. Yes; I believe our intelligence and our experience will solve the issues before the people.

Q. When the population is universally educated, where they will necessarily be required to do the ordinary labor of the country, won't that lessen the disparity and the divergence between the different kinds of labor; for instance, the lawyer, the physician, the railroad manager, etc., will have their salaries and compensation lowered whenever it affects the public, and the ordinary labor get the benefit of it?—A. Under the law of compensation that will be reduced surely. Intellectual development will, as I say, lower salaries, and the educated people will have to take their ranks among the laborers after a while.

Q. Did you ever study the question of these salaries; for instance, the president of a railroad gets $50,000 and $100,000 a year and practically does nothing, being rather a figurehead, and being paid for it, and the heads of the great insurance companies are being paid enormous salaries for the same purpose?—A. We have also the value of the great understanding of the industry. We have also the value of the genius in the industries, and great experience in the industries, and I must differ with you; I don't think where they obtain in the highest degree that they should not be recognized.

Q. Well, that will always be recognized unquestionably; but take, for instance, a railroad manager to-day of a little railroad in the West, and he is getting $25,000 a year, and take, for instance, 25 men who are moving the whole machinery and getting $1,000—I should say a little more than that; they are giving him practically an amount equal to that received by 25 men who move the whole machinery. Now, don't you think that divergence is too great in all lines?—A. I think that brains and genius are worth what they can command, and I am told that in Europe enormous salaries obtain in industrial works, in older civilizations than ours, in recognition of that fact.

Q. Yet they are not as universally adopted in Europe as here?—A. No.

Q. And as observation shows, universal education will reduce that; will furnish the supply of this brain force?—A. Ah, but it can never create genius; it can not create Napoleons; it can not create the genius of Charles Francis Adams; genius will always be recognized. In great administrative affairs the proper direction of capital is very important. In the location of a railroad, for instance, you may waste a half million dollars in simply forming the location, where, if you have a competent engineer to depend upon, you might save that. You would save $475,000 by paying a proper engineer $25,000.

Q. Is it not your experience to-day that the most of the great places in all of the great companies of the United States are being filled by relatives of the leading stockholders almost regardless of ability?—A. Nepotism naturally. We prefer to have our kindred in these places, and at the same time that is a privilege. Universal education will, of course, bring many things to a common level. In metallurgy, instead of 1 man in a million being able to do certain work in that line, there will be 100.

Q. And your supply and demand there will bring these extremes closer together?—A. It will operate to reduce wages, but I believe that genius will always be recognized, and I believe there are some men singularly fitted for certain pursuits. I don't think there is any question but what genius will always be recognized.

In connection with your plan of inquiry, I will introduce a little statistical testimony: Out of 37,444 tons of lead, silver, gold, and copper ores in mixtures treated at the Hanauer, there was 1 per cent arsenic. Those were called oxidized ores, containing too little silver or arsenic or zinc to justify roasting prior to blast-furnace treatment. I emphasize that because the world might say, Why don't you get it out? We can not do it; it is there and remains an element of danger. It is a well-known

fact that roasting even the class of ores to which this treatment is a commercial and metallurgical necessity does not remove all the arsenic. Of 21 runs of ore marketed from 1888 to 1897 from one of our greatest silver mines, no ore was free from arsenic. The percentage ran from three one-hundredths to 2 per cent. On 10 runs of silver ore from one of our greatest mines marketed in 1894, no lot was free from arsenic. The percentage ranged from 1.04 to 3.2. One lot of ore from a leading mine marketed in 1894 contained 4.7 per cent of arsenic. One lot of ore from a small producing mine marketed in 1899 yielded 7.4 per cent of arsenic. I think that will be all the data you will need to cover the status of the per cent of arsenic in ores. Now we will take the sulphur class. Sulphur is always present in all mixtures of smelting ores in Utah. On the above 37,444 tons of ore no mixture was without some sulphur, ranging from three-tenths to 5.7 per cent. The sulphur in oxidized ores in the blast furnaces, while not a deadly poison, contributes greatly to smoke and oppressive sulphuric gases. As depth increases in most mines, the percentage of sulphur in ores increases also.

These are statistical figures and establish the per cent of the two bad features. Some one might say we didn't have any arsenic or sulphur.

Q. The avocation of roasters, furnacemen, and feeders is, then, unhealthful?—A. Yes.

Q. Can you improve that condition very much by thorough ventilation and smoke consumers?—A. Yes; we are doing it all the time.

Q. Is it your understanding they get this arsenic and sulphur from out of the fumes?—A. Yes; out of the fumes.

Q. How is it men often become what they call "leaded" in a mine where they have no heat?—A. The fine particles of lead enter the skin by absorption, as well as by the lungs and the organs.

Q. While we were in Wallace, Idaho, in a little basin surrounded by these great lead mines, Major Smith, of the Army, told us that he lost a great many of his cavalry horses, and that the veterinary surgeon claimed that they were leaded. I think he said that out of their little bunch of cavalry he lost 30 horses, and there were no smelters there.—A. It may have been from the concentrators or the lead outcroppings.

Q. You would say that it would be possible for even animals to be leaded?—A. Yes.

Q. And that is one of the causes that led you to decide that the underground miner and the smelter employee should have a shorter workday?—A. Yes.

Q. What is the time between payments here?—A. Thirty days.

Q. What is your judgment about the advisability of 30-day payments? Are they often enough?—A. Yes; especially where store orders are given to men in needy circumstances, which we always do.

Q. Did your company have a store of its own?—A. No.

Q. Or an interest in one?—A. No.

Q. Did you give orders on more than one store?—A. We didn't refer our men to any store.

Q. Let them go wherever they saw fit?—A. Yes; I don't believe in it.

Q. We found many places where the so-called store order limited the men to one store.—A. That is not the case with us. We gave the men the choice entirely.

Q. We also found that one great company received 5 per cent on all goods sold by that store on these orders. We found others that confined them to one store, and the man who sold the goods paid a man to attend to the bookkeeping and to attend to the straightening up of the orders. You had nothing of that kind?—A. The nearest approach to it is the boarding house plan, which we had, and collected the board for the boarding-house man

Q. Did you find it necessary to build a boarding house?—A. In one case it was at that time.

Q. Are there many mines or smelters where it is necessary for the company to have a boarding house?—A. Yes; I think so, 20 years ago; but lately experience has proved it unnecessary. I would like to state, if I am permitted in that connection, we only for a part of the time required single men to board there. We found it was a very obnoxious undertaking, and we took down the bars and let them go where they pleased.

Q. That has been a very common complaint among laborers, has it not—the boarding-house and store-order system?—A. Yes; where the stores are owned by the company or where they are confined to one store.

Q. Have you ever had any strikes in Utah?—A. We never had a strike in the Utah smelting industry.

Q. Have you ever had one in the mining industry here?—A. I think not.

Q. We had Mr. Allen upon the stand yesterday, and he stated they had a short strike here once originating from a protest of the men about being compelled to board at a company boarding house.—A. Yes; it was rather a protest than strike.

Q. Have you a system of insurance of employees against accident?—A. Yes.

Q. Please give the working of that and how it affects the men.—A. It was rather unprofitable to the companies, to the insurance companies in the case of the smelters, and at one time involuntary insurance became obnoxious, and we yielded to the views of the men and made it purely voluntary, and we never returned to the involuntary assessment; but it became the choice of 90 per cent of our men to enter into it again under favorably low premiums and good indemnities.

Q. What about the hospital system?—A. We gave them the choice of hospitals and physicians, but in some instances the religious line was drawn in hospital cases, so we simply yielded to the men.

Q. As an employer of labor, has it been your experience that where you yield to the men the privilege of choosing in these little matters it is a great harmonizer?—A. Yes.

Q. And you accomplish practically the same result that you start out to accomplish, with their approval?—A. Yes.

Q. Let them have their way in the insurance and medical matters and increase their interest in them, while if you dictate to your men and do not give them a voice they are inclined to rebel?—A. Yes.

Q. The company-doctor system is generally conceded to be beneficial, is it not, to a large force of men?—A. Well, we have had no experience with the company doctor. There are two physicians, and we gave our men the choice of the two physicians and three hospitals.

Q. They contributed $1 monthly, I suppose?—A. Yes.

Q. Instead of you choosing the physician you allowed the men to choose the physician?—A. Yes, and the hospital.

Q. And in giving them a voice it removes all objections?—A. It popularizes insurance with us, and popularizes medical attendance and medical patronage.

Q. Would it not be the same with the boarding houses, if the company had a good boarding house, and would say to the men that they could board wherever they liked?—A. No; we found the reverse was the case. The men preferred to board at the houses around there where there were families. It was more of a home than the boarding house. There was a social condition, a social side to it. When we let the bars down and told the men they could let our boarding house go, we had to reduce the rent from $80 to $20, and in some cases let it go entirely. The reason for it was, as I have said, the men preferred to make their home among the farmers around there. There were little farms there where they could go. I am now speaking of the single men; but I will say that 90 per cent of our men were married men.

Q. How did that affect your labor—duties to family?—A. Very favorably. Ninety per cent of the men were married, and sometimes there were not more than 5 per cent that did not live at home.

Q. What is the tendency of these married men to own homes?—A. It is increasing.

Q. Do many own their homes.—A. Yes.

Q. When they became involved with the duties of family and home do they not become more interested in your work than formerly?—A. Very much more; it is very marked.

Q. They considered themselves to all intents and purposes a part of your concern?—A. They showed very much more interest in their work.

Q. I suppose you encouraged their home-building?—A. Not pecuniarily.

Q. Did you keep men with families?—A. Preferably.

Q. And were rather partial to them?—A. Yes; we gave preference to married men.

Q. That was all the encouragement you could be expected to give?—A. The situation here is a little peculiar on account of the farming elements in the ranks of working people. There is quite a farming element in winter that is not available in summer.

Q. They come in to work during the winter?—A. Yes. We never employed an Indian or a Chinaman during my 20 years there.

Q. What has been the principal nationality of your men?—A. Well, we have a great many Scandinavians. I think they predominate. Then we had Germans, Irish, Englishmen, Welshmen, and native Americans.

Q. Is it your opinion that if the employers should confer with the men more through their representatives and use more conciliatory methods, there would be fewer strikes and lockouts?—A. Yes.

Q. In the East, as I understand it, the United Mine Workers of America, with a representation of about 100,000 workers, and the Amalgamated Iron Workers now meet the employers through their representatives, and they agree upon conditions of labor throughout the coal-mining industries of many States, and the iron industries as well, and enter into a written contract for a year; and I am told by the president

of one of these great institutions that it has practically wiped out the strike. Do you believe that these conferences and these conciliatory methods—the employer and employee meeting face to face, as it were, and in a friendly manner discussing their rights, and having the employees to at least understand that they have something to to do about fixing the wages, even though they are not made any higher than the company would make them—that it removes this friction?—A. Most emphatically.

Q. And leaves the employee with the conclusion that he has had something to say about the contract?—A. Yes. Leaving them to their own selection in medical attendance, hospitals, boarding houses, and the patronage of stores will eventually result in a higher class of labor.

Q. Have you ever had any experience with organized labor in Utah?—A. Only a brief experience with men in subordinate positions. I would not like to appear as having any well-defined experience.

Q. You have not had to deal with labor unions in Utah at all?—A. No.

Q. You never made any distinction between a union or a nonunion man?—A. Never.

Q. In fact have you had no labor unions in Utah of any consequence?—A. Not in smelting, and very limited ones in other lines, although I believe the Brotherhood of Engineers are here; I think the masons also have a union here; but in lead smelting there is no union existing.

Q. How do you account for their failure to organize; was it because their conditions were satisfactory and that their grievances were met without organizing, or from some other cause?—A. It must be because the conditions existing without a union are satisfactory.

Q. You would take it that the men are satisfied and that they settle their grievances individually, without resorting to union?—A. Yes; I would take it that that is the reason. There is a scarcity of labor here in the summer time, because the farmers withdraw. The miner returns to the farm in the summer, and men who have any definite pursuits get away from the smoke. I can not refer to any superabundance of labor here.

Q. Have you ever made any figures as to the average number of days a man works in the smelter in the month?—A. Without referring to the pay-rolls, I think about 24 under the 12-hour régime.

Q. How about under the 8-hour?—A. Nearly 30.

Q. Is it necessary for the smelter men to work Sunday?—A. Yes.

Q. You must run continuously?—A. We must.

Q. Do you believe it is advantageous for men to rest one day out of seven?—A. Highly advantageous.

Q. Have they been furnished with regular reliefs from work weekly?—A. Yes; we have always been able to accommodate those who wanted to withdraw. I can not recall an instance where we have not.

Q. That is a general custom here, is it not?—A. Yes.

Q. How is it usually with the miners; do they observe Sunday or work Sunday?—A. Well, the camps I have been in run Sundays.

Q. Do you think it is an economical advantage to the mine owner?—A. No; I don't believe in it. There is no industrial or technical reason for running a mine Sundays

Q. No technical reason, no reason involved in the running of machinery or in pumping or anything of that kind?—A. There is no technical reason, but there may be a moral reason for keeping the mines running. The miners in some camps don't quite know what to do with themselves Sundays; where there are no churches they are liable to visit the saloons.

Q. Have you no libraries in the mining camps here?—A. I don't know of a library in the mining camps.

Q. Are the miners generally inclined to read?—A. They may have a library at Park City, as a city. I visited the camp in the Seven Devils district lately and found the miners taking the semiweekly papers from leading cities, and are always glad to have magazines contributed, and read them greedily. The remoteness of the mail connections is the reason why many miners don't take magazines, and perhaps also they don't like to do the little clerical work required in subscribing for them or some weekly paper. I made a trip very recently to Oregon to points remote from the railroad, a day's stage from the railroad, and the scarcity of the daily mail I lay to the absence of the mail service; and the scarcity of the magazines I attribute to this and the lack of clerical ability to subscribe for them. The miner is a practical man; he don't like to write; it is a burden for him to do it, and also at these distances, remote from the railroads, they have no facilities for sending money to the magazines; but of course that don't obtain in all camps.

Q. How does investment in mines and the profits generally compare with equal investments in mercantile business, banking, real estate, and other business?—A. The

product of Utah in 1898 was worth $9,277,543, which I believe certainly to be a fair per cent on the amount invested.

Q. Do you regard mining as a legitimate field for investment?—A. Very legitimate.

Q. And not hazardous?—A. More and more advantageous by the discovery of new processes.

Q. And the American mining man has reached an efficiency where he can invest with comparative safety, has he?—A. Yes. The multiplicity of processes increases all the time and makes it a safer and more prosperous investment than ever.

Q. Would you say it compares favorably with any line of business?—A. Very favorably; with great opportunity for the success of a lifetime. The large deposits of ore will furnish work for a permanent industry.

Q. There is nothing in mining that should intimidate or embarrass an investor, if he uses practical judgment?—A. No; and under intelligent, conscientious direction.

Q. And the usual saying in inexperienced circles that it is a mere gamble is the result of want of information?—A. Purely.

Q. Generally where men use the same discretion as they do in successful banking, mercantile business, railroad building, etc., mining has been a success?—A. Yes.

Q. And where they use bad judgment it has been a failure, the same as it has been in banking, mercantile, and other business where no judgment has been used?—A. Yes.

Q. It is not a mere chance?—A. No.

Q. It is a legitimate and inviting field for investment?—A. Yes. It must not be forgotten that after a mine is exhausted you can not restore it as you can a farm. The mine is poorer for every pound of material that is taken out of it.

Q. Does not yield a second crop?—A. No. It is a proper investment if it is properly handled. Forestry, timber raising, is a proper investment, and so is agriculture, if judiciously managed.

Q. Have the people of Utah ever had any difficulty with discriminations in freight rates, either against localities or individuals?—A. It is a great source of injury to Utah.

Q. There have been discriminations?—A. Yes.

Q. Against localities or individuals or industries?—A. More particularly localities. I don't know of any individual instances.

Q. Do you know of any reason why these localities should be discriminated against?—A. No; any more than the long haul seemed to be in favor of the railways. We have not handled any ores here from Cœur d'Alene, Idaho, since 1885.

Q. What points do the railroads favor?—A. Seem to favor Colorado and Missouri River points. The grade of the lead is so high and the freight rate is so low on the long haul that it is unfavorable to Utah. There is a much lower rate on bullion from Colorado points and Missouri points than there is from Utah points to the river, so they have the best of us at both ends of the problem, both on raw material and the shipment of bullion.

Q. In other words, it costs you more to ship bullion here than it would to ship it on?—A. Yes; and you have cheaper smelter conditions there; lower bullion rate and smaller freight rate generally over this point, and the result is prohibition of business transactions here.

Q. How much nearer are you to the Cœur d'Alene lead mines than Denver?—A. About 700 miles.

Q. Do you know the rate to Denver?—A. The rates are subject to change. We have not been smelting for 3 months and I don't know exactly. I don't know that rate. We smelted our last Idaho ores, galenas, in 1885. At that time there was inaugurated a change in the railroad policy regarding freight rates. Up to that time we treated large quantities of the famous White River galenas. After that time we never treated Cœur d'Alene ores here.

Q. After that the rate was made favorable to the distant points and unfavorable to the Utah points?—A. Unfavorable to the nearer points; yes. Of late years we have obtained gold concentrates in restricted quantities from Idaho points, but the great business on high lead ores has been against us.

Q. Do you know whether this discrimination has extended to other industries than mining, mining localities?—A. I have not had to do with agriculture, but I have heard that Oregon onions can be laid down in the Mississippi Valley cheaper than ours can.

Q. Do you know about the shipping of cattle, whether it costs more to leave them in the State than it does to move them on?—A. I don't know. That is something I am not at all in touch with.

Q. You undestand that a railroad is understood and recognized under the law as a public institution, run by a private individual, permitted to be run by the Government and for the Government on the theory that he shall be allowed to make a

reasonable profit on his investment; and by reason of its being a public institution that he can go over the streets of your town against your will; the road can go through your homestead against your will; it can go through a schoolhouse; all on the theory that it is a public carrier, favored by the public and for the public, though run by a private individual. You understand that is the status of railroading, do you not?—A. Yes; cut the farm in half. I saw a great deal of that in Oregon lately.

Q. That being so, do you believe that it has any moral right to discriminate against any individual, any industry, or any locality?—A. It has no moral right, but it is said it is almost a condition of their existence that the long haul be entered into at a lower rate than the short haul.

Q. In order to get out at all?—A. Yes. The quantity of commodity we are seeking from certain distances also operates as an argument. Then the question of competition also enters into it.

Q. But where all things are equal you understand that these public favors should bear equally upon every individual and every community, don't you?—A. I understand there should be no discrimination in favor of individuals—I am very clear on that point—and corporations; but I could not say that the railroads should not make greater reductions for the long haul in proportion than for the short haul.

Q. If the railroad company concluded to build to Ogden and destroy Salt Lake for the purpose of making money out of real estate, what would you say as to that proposition? Suppose they should do that in order that the officers of the road might reap a harvest out of the prices for real estate?—A. I would say that if the railroad created Salt Lake City it was a critical thing to destroy it.

Q. Would you understand that the railroad company had a right to destroy any community for the purpose of making money whether it created it or not?—A. No; I do not understand it that way.

Q. Do you think Congress and the States should regulate railroads so that they would permit their benefits to bear equally upon every individual, under the same conditions?—A. That is the aim and theory of the Government, and it should be the aim of our legislators, but I would not like to say that there were no exceptions to the rule.

Q. Is there any exception that appears to you now?—A. In trade by all means there should be no discrimination. As a carrier for the poor man I should certainly say there should be no discrimination against either rich or poor.

Q. No discrimination in favor of individuals or corporations?—A. Yes. But as to localities I would not like to go on record as criticising the railrord policy and say that certain conditions don't require that certain localities be made common points. It may be necessary for roads to exist to move Cœur d'Alene ores to the Mississippi Valley, but as they——

Q. (Interrupting.) But if they should move them to Denver just because they wanted to build up Denver and destroy some other place you would say that was wrong?—A. I should.

Q. If the owners of the railroads should be interested in the Denver smelters, you would say it was a crime, would you?—A. I would; but if necessary to the existence of the road to make that the common point, then I conceive there could be no real objection or ground for complaint. I must confess that passenger rates have been extending downward in and out of Utah. Of course to come to the question of socialism and the Government ownership of railroads, it is a question that I regard with a great deal of fear, but it might work pretty well.

Q. It is not socialism for the Government to create an artificial person for the benefit of the public and then say what it shall do as long as it permits it to make a reasonable profit?—A. No.

Q. I suppose you are aware of the fact that the smelters generally of the West have gone into what is known as the smelter trust?—A. I am painfully aware of it.

Q. Now, we have been informed by men owning smelter plants that did not go into the trust that their great fear is that this syndicate of plants will wield power enough to get a rate from the railroads that will destroy the few plants that stayed out. What would you say of a discrimination of that kind?—A. It would be unjust.

Q. You would say that would be against public policy?—A. Yes.

Q. Now the idea has been suggested to us to have a unit of charge that would be small in order that these benefits may rest equally upon every person. It has been suggested that the unit of charge ought to be a ton, the only hardship being that the freight would have to be held by the company until a sufficient number of tons could be accumulated to make a carload. Others have suggested it should be a carload; that a man ought to be allowed to get a car at the same rate that he could get a train; and others have said he ought to be able to get a ton as cheap as he could a car, provided there were enough shipping to make a carload. Have you studied that phase

of the question?—A. I can not quite agree that a ton should be the unit instead of a car.

Q. Suppose 15 men brought a ton each, and it could be put in 1 car, do you think they should have the benefit of the carload rate?—A. I can not agree that they should, because there would be more handling and more clerical work for the 15 than for 1.

Q. What would you say about 1 car as a unit of charge? That the Argo works in Denver, for instance, which stayed out of the trust, should be able to ship a carload at the same rate that the smelter trust could ship a train of cars—that is, that the car should be the unit of charge whether you shipped 1 car or 100 cars?—A. I am inclined to recognize the car on the same basis as I would a train.

Q. You would say the carload should be the unit of charge?—A. Yes; but it is to be recognized that there is a little more clerical work and a little more train service connected with a single car than with a whole train.

Q. One of the railroad managers, recently, before the Interstate Commerce Commission, said it is true that it costs a little more for men; that they can handle a train cheaper proportionately than they can a car; but he realized his company exists as a public institution. And he said upon the same theory you could say that the Government can furnish the Great Western Railroad with its postage stamps for less than it can a single farmer, and that it can move the New York World, with its many tons of mail, much cheaper than it can the little edition of the country newspaper; but being a distributor for the public benefit there must be such a distribution as will maintain the individualism of the citizen as much as possible under the public policy of the Government. He makes the point that the farmer of Minnesota, Dakota, Iowa, Nebraska, and Kansas can not ship a bushel of grain; that they must first sell it to the elevator, and the elevator takes so much of the profits that it practically takes away all the profits in the grain raised in these States.—A. I regard it as a species of class legislation.

Q. And he further stated that, in his judgment, what made the so-called anarchists in Kansas and Nebraska was the fact that the railroads would haul grain for the elevator trust 400 miles cheaper than they would haul the same grain for the farmers 200 miles. He said they felt that injustice, and felt that their individualism was being destroyed because they were compelled to operate through a gigantic trust; and it was his judgment that the individualism of the citizen could not longer exist unless these things were remedied. He was the manager of the Great Western Railway—Mr. Stickney.—A. The carload man should be recognized, in safety to our institutions. The individual is the worker and needs a better rate rule.

Q. What is your judgment about this inclination to consolidate all the industries under one management?—A. I am unfavorable to any condition that prevents competition and artifically raises prices. They have not all done that, you know.

Q. No; but they have the power to do it.—A. Well, it is a question of rival trusts; what rival trusts are disposed to do.

Q. The rival trust will result as soon as there appears to be any chance whatever for an independent organization to make a successful stand, you think?—A. There is no doubt about that. But the difficulty is the great suffering while the competition is arising to compete successfully. I have been thrown out of employment by the closing down of our works, which the trust purchased; but I still say that I don't think we can prevent a man from doing a large business instead of a small one. Progress means the development of the individual, the stimulation of invention, and the increase of labor-saving devices and appliances, and the success of ingenuity.

Q. Of what plant were you manager?—A. I was general superintendent of the Hanauer.

Q. That went into the trust and made one superintendent less?—A. Yes.

Q. And how will that affect the charges?—A. Charges will be less under the reduction.

Q. And will they employ more or less men for the same production?—A. They will employ less men for the same production; the expense of the closed works is eliminated.

Q. Do you know whether or not there is now a surplus of labor in the United States?—A. I found a great scarcity in the railroad-building district of Oregon, which I have lately become familiar with, and a considerale importation of Japs in the Northwest, and a tendency toward the advance of wages. Labor was very scarce there.

Q. Do you know how it is in foreign markets?—A. I don't know how it is in the East. There were probably 2,000 idle men in the Cœur d'Alenes; the old union men were about all idle, but I think the mines in Missouri elsewhere secured practically all the men they needed.

Q. These were miners. You would not expect these men to join in railroad building at the price paid?—A. No.

Q. You know the statistics as issued by the Government show quite an army of unemployed. There were 3,500,000 three years ago, I believe. Does that still obtain?—A. More or less; but these war measures and everything have cut off a great many of them.

Q. Do you think the same number of workers under this trust will necessarily produce more and with a less amount of labor?—A. Yes.

Q. When the two baking-powder companies came together the consolidation threw their traveling salesmen out of employment; there was no further inducement for them to employ salesmen any more, and the staff officers, superindendent, and manager of one company went out. The tobacco combination worked in the same way. The smelter combination will work in the same way. While, as an economic problem, you are going to produce more for less expenditure, what are you going to do with the idle labor?—A. Make the 8-hour law universal and absorb some of them.

Q. Would that increase the employment?—Yes; and by reducing the number of acres to be entered as a homestead would make the numbers in agricultural employment greater. The desert-land entry of 320 acres is too much for one man.

Q. You would suggest a modification of the land laws?—A. Yes.

Q. Is it your judgment that these trusts have come to stay?—A. My idea is that large operations have come to stay, and I think there will be rival trusts in every lucrative field.

Q. We have been for 30 years trying to build a rival to the Standard Oil Company.—A. Probably that will come out in time.

Q. Have you any suggestions as to the regulation of the trust by law?—A. None, except under the law of competition.

Q. Are you familiar with watered stock?—A. As a thing to increase competition, no.

Q. For instance, I understand the smelter trust took a large part of its capital not in actual value, but in what we understand as trade-marks and good will.—A. That is correct; these plants were put in at a much larger figure than they can be duplicated for.

Q. And that it will attempt to make the miner pay for the watered stock—that is, the stock which represents no real value.—A. That opens the field to competition, then. Already there is a rival lead trust entertained. A man could start up, with ready cash, great experience, and the advantage of all the low prices and late improvements, and build plants.

Q. Provided we can prevent railroad discrimination.—A. That is something that will have to be banished.

Q. At one-half the amount they have paid for these plants you can build new plants?—A. I think one-quarter of the amount that was paid for these plants would do it, as nearly as I can calculate from the cost paid for the 3 plants here.

Q. But you strike the difficulty again. We have had before us in Washington one of the men who has been fighting the Standard Oil Company for 35 years. He says that in the United States on every gallon of oil that he sells on a railroad line he loses money; that if he has to ship over the railroad at all he loses money; that the Standard Oil Company can not produce as cheaply as he does, because they have not the facilities for producing, and everything is kind of top-heavy with them. But he says that the moment they reach Germany and get to railroads where there is no discrimination they make a handsome profit. He says they could not succeed until they built a pipe line from their wells to the seashore, and that it all comes from competition. He presented the records showing that at times in the history of that trust they would not only charge the independent producer twice as much as they would the Standard Oil Company, but they took one-half of the freight that the independent producer paid and handed it over to the Standard Oil Company; in other words, the railroads charged 40 cents a barrel for oil to the Standard Oil trust from the oil fields to the refinery in Cleveland and they charged the independent producer 80 cents a barrel. He didn't ship many barrels, but if he did ship the railroad company took 40 cents on every barrel shipped by the independent producer and credited it to the Standard Oil Company. The result was the shutting down of the independent plants, allowing the Standard Oil Company to buy them up at a small price. And he recalled a city of 60,000 people in the oil fields that practically had to be abandoned. That is the history of that trust. Do you apprehend you would meet the same difficulty in building up an opposition to this trust?—A. I will say that I think a trust of equal magnitude might get the same price from the railroad.

Q. But probably every great railroad man in the country is interested in the trust.—A. In that case they have the field. As a matter of fact, there is not much inducement for a rival trust in this field, on account of the high price of ore. The

condition that led to this trust was extreme competition. They have margins that barely pay for the fuel to treat them, and contracts on hand that will hold a long while; and in one instance I know of an important contract wherein the trust has demanded an assessment of 75 cents per ton; but I will say that it will not work a hardship on that miner, and it will not make the trust rich to smelt the ore.

Q. Is it your judgment that they will dismantle a part of these plants?—A. They have already closed our old plant, and the president advised me they intended to close other plants.

Q. Do you know whether the men built homes around that plant with the understanding that they would build up a permanent industry there?—A. They had.

Q. What effect will it have on the homes that have been built there if it is dismantled?—A. It will reduce their value, of course. If the man doesn't get employment he will have an unoccupied house on his hands.

Q. Does not a great trust like that have a tendency to concentrate its operations in some great trade center?—A. Not in the case of the lead trust. Their plants have to be guided by geographical laws. That is important and necessary because many low-grade ores will not bear shipment.

Q. They will have to smelt more or less ore?—A. Yes. You can not change that condition.

Q. Where they can center their product in Pueblo, Denver, or Salt Lake they are very apt to do it?—A. Yes. In addition they are just now bringing roasting ores from Colorado into this field. That is something new.

Q. Mr. Grant stated to us he was shipping out about 300 tons per day; I don't know where. It was either here or Omaha.—A. This was not a strike condition; it was a scarcity of roasting ore here under the withdrawal of the ores from a large group of mines here.

Q. Was that not done in the Cœur d'Alenes when they had a scarcity of lead?—A. This was a roasting ore, not a lead ore. I understand it was due to the withdrawal of the ores from a large group of mines.

Q. Possibly changed railroad conditions under the trust.—A. I can not tell about that. The trust is running here under our contracts, and working no hardship here that I know of except in one instance; that was to demand a concession that was really necessary.

Q. But it has the ability to work hardships in time?—A. Yes; it has the ability.

Q. And raise prices artificially and work hardships at any time; also it might affect the men detrimentally?—A. Yes.

Q. For instance, if a man at these works should have a disagreement with the smelter trust here and should go to Colorado for work, he would find the same smelter trust in Leadville, Pueblo, and Durango; he would find the same condition in these places. In other words, he has only one institution practically to which to sell his labor and if he gets into bad odor with one plant there is no other place for him to go to, as they are all under the one management. The law of supply and demand is completely cut off as far as that institution goes. It would become dictator?—A. I think it might also lower the standard of labor, inasmuch as there would be no development from competition.

Q. They would have no incentive to improve methods, no incentive for invention or improved machinery?—A. No. There is every kind of competition here. There has been a three-cornered fight for many years, and I think it was for the welfare of the people and healthier for development than the present conditions.

Q. It was unquestionably better for the community?—A. Yes.

Q. And the mine owner reaped the benefit?—A. The mine owner. As I said before, the conditions that led to the trust were excessive prices for the ores, although reasonable margins would have been exacted in time after a protracted fight.

Q. It has been suggested to us if strict railroad laws were enacted and absolutely enforced, so that an individual plant should have the same rate as the great syndicate, it would be a great improvement, and also that an inspector should be appointed to examine into these artificial corporations whose effect is detrimental to the public, similar to the bank inspector for national banks, to see that they were not overcapitalized and that there were no attempts to abuse their power, and fixing a margin whereby they would make a reasonable profit, and see that the stock was represented by actual values, especially that part of it upon which dividends were declared, that it would really do away with the objectionable features. In fact, Mr. Havemeyer said that so far as he was concerned he would welcome an inspector, to allow the public to be kept informed as to whether or not these large corporations were getting excessive dividends, and that that would in a measure relieve the situation. Have you any views along these lines?—A. That watering of stock deceives the public is the point you make?

Q. Yes, and encourages the manager of the company, through the clamor of the stockholders who have been imposed upon, to try to make that stock earn a dividend; and all dividends are paid from the public patronage. However great the stock may be, the actual profits of the industry would thus become known to the investor and to the people.—A. That is quite true. And a very profitable industry will command capital just the same if the stock is not watered.

Q. If this smelter trust should be a dictator, and the stockholders made a great clamor, the trust could put the smelter charges at a rate that would pay a dividend, and then water the stock, and the public would have to pay the dividends until competition became great enough to lower the rates.—A. Nevertheless it would invite competftion, and competition is much easier in the industries than it is in the railroads. The amount of capital involved in this business is insignificant compared with the building of a railroad. Sometimes a railroad monopolizes a business and there is only one available railroad, but smelters can be put in anywhere within a proper geographical center. There is room here for half a dozen trusts to operate in this field, and thus trust would be competing with trust.

Q. Then it is your judgment that successful trusts must be favored by some railroad or transportation company?—A. No, I don't think that. I think it may be or is likely to be favored by a railroad.

Q. It is then your judgment that if it is not thus favored it will have competition, is it?—A. If the profits are sufficiently great to command competition, it will have it provided railroad contracts don't prevent it.

Q. Well, it would naturally be the course of the manager of the trust to keep the profits so low that it would not invite competition?—A. Then the public will not suffer except in the diminution of the number of employees, for it keeps prices down.

Q. And that would be really the most sensible policy for all trusts?—A. Yes. A smelter trust might enter the field now at a nominal sum compared with the railroad lines and avoiding all the errors of predecessors keep out all competition. To prevent the incoming of rival trusts is to have the railroad situation made safe.

Q. And if the public had assurance that everyone would be treated alike there would be no need of a rival company; but a rival company could be started if the conditions would warrant?—A. Yes.

Q. It is only the power that may be abused?—A. Yes; I can not blame men for aiming to extend their business. Mr. Krupp started with an anvil and has a plant to-day employing 25,000 men. I don't see anything in the principle of a large business objectionable to our institutions.

Q. The only question is how you can regulate it so that it will not be abused?—A. That is all. That is the question now; what you can do with a trust, how you can regulate it so that it will not abuse the power it has. The railroad situation is the keynote. We have always been expanding. Single works to-day represent the combined product of three or four works 20 years ago. There has been an individual growth. You can not prevent expansion.

Q. No one desires to prevent expansion, but the question is whether too much expansion can take place without destroying the individualism of the citizen?—A. But the citizen is in danger when you destroy competition.

Q. That is his safeguard?—A. Yes; I would like to see competition. It would be no more of a warfare than we had before; only two large concerns fighting each other instead of two small ones.

Q. A consolidation of mining claims is not particularly detrimental, is it?—A. No; it is not particularly detrimental. It gives larger resources for development.

Q. And one shaft or one tunnel will work a larger number of claims more successfully than they could be worked separately?—A. It only eliminates the staff that would be employed by three or four concerns, and don't eliminate the miners at all.

Q. Don't it have a tendency to increase the number of miners from the fact that it invites greater development?—A. It would stimulate mining; yes.

Q. And the productions of the mine are still in the open market, with the smelters at the same price, whether one man owns a whole mining camp or just one mine?—A. Yes; there is no difference. I would restrict the amount of territory a man could mine.

Q. I should like to have your views on that, because we are asking for information particularly on mines and mining.—A. I would restrict the production of each individual as well as I would restrict the agricultural domain that he could appropriate. I would not permit men to corner a whole district by the performance of the annual assessment work and improvement work. There is great abuse along that line.

Q. Give the advantages and disadvantages of the single-location system and wherein it would help the community.—A. In giving more men an opportunity to enter the mining business.

Q. Would it not also cause larger development?—A. Infinitely larger, yes. Where a man now owns 25 claims and does the development and assessment work under the group system, under the other claims it would be $500 of development work done on every claim, and $100 per annum in assessment work on each claim.

Q. Or if he would concentrate his $2,500 assessment work on one claim it might develop a mine?—A. Yes. Also, it would promote individual ownership of claims and individual development.

Q. Can you limit him until the ground is patented?—A. Yes.

Q. And if he wished to sell it he would have the liberty of selling the claim to any individual mining company and then develop the whole field through one system of work?—A. Yes.

Q. Do you think of anything else that you could suggest in the way of remedial legislation connected with mining?—A. The 8-hour system which obtains here generally.

Q. You believe in that and the limiting of claims?—A. I don't believe in extra-lateral rights; I believe in square locations.

Q. Do you mean that a miner must keep within the side lines?—A. Between the vertical planes, yes. Mining men have worked along that line for some time as a necessary reform, you know.

Q. Do you mean whenever your claim gets down to where the vein departs from the vertical line, that he loses it, provided anyone else has discovered it beforehand?—A. I would confine him to vertical planes, and allow him much larger area. I would give him a larger claim and confine him to vertical planes.

Q. What would you suggest as the parallelogram size of it?—A. I would suggest 1,500 square feet.

Q. And that would be his to the center of the earth?—A. Yes; doing away with fictitious location.

Q. And you would give him all the veins within his area whether the top or apex of the vein was inside his boundaries or not?—A. Yes. It would work a hardship, of course, where a man's claim took a sudden turn after a large expense in development, and went into another claim through the vertical plane bounding his land, but it would lead to great wisdom in making boundaries, with reference to mineral bodies or veins; it would lead to greater caution and discretion in that direction.

Q. With reference to the apex—that is a necessary reform in our mining work?—A. In limitfng the area that may be properly taken by one citizen, as in agriculture and the 8-hour system.

Q. That would give him about 50 acres?—A. Yes.

Q. Is there anything else that occurs to you?—A. Of course I am opposed to Sunday work in mines except in emergencies; but I don't know whether it is the intention of our Government, or ever will be, to limit Sunday work; but I believe the efficiency of a man is made greater by one day of rest. It is not impracticable in metallurgy and practical mining, except in case of pumping in wet mines. I believe that Sunday should be observed in agricultural work as well, unless, of course, some emergency exist; but under normal conditions Sunday work is not necessary.

Q. (By Mr. KENNEDY.) You are in favor of labor organizations are you not?—A. Yes.

Q. You believe it is as necessary to the laboring man to organize as it is for the industries concerned to organize?—A. Yes. Self-preservation is the first law of nature.

Q. Is there a considerable number of farmers working in the mines and smelters of Utah?—A. There is; yes.

Q. A large percentage of the men working in the smelters you would say are practical farmers?—A. I could not tell without looking at our pay rolls.

Q. Could you say approximately the number of farmers who work in the smelters?—A. Twenty per cent, perhaps, in the winter time.

Q. Do you suppose that 20 per cent could exercise considerable influence against the organization of the men in the mines?—A. No, I think not. I don't think the farmers are aggressive; and I don't think they would help to influence or hurt an interest in which they drew their living in the winter.

Q. I wish to ask you whether you know of any religious organizations teaching the workers of this country that labor organizations are dangerous or that they tend to anarchy?—A. I have never heard it at all.

Q. Speaking of company boarding houses, where a company owns a boarding house and compels a single man to board there and no complaint is made, is it probable that there is a discontent which, if perfect freedom and independence prevailed, would find open expression?—A. Yes, I think it is probable.

Q. So that if an honest person should testify that he is running a boarding house, and the single men were compelled to board there, and there is perfect content and

no complaint, you would believe there is really discontent although not manifest?—A. Yes; from my experience. After we took the bars down at our boarding house, as I stated before, the men went away. They went to the little farm houses where there was a little more social life, a little more like home.

Q. You believe that would be true in all other industries?—A. In certain towns. That don't obtain around the mining camps. In these towns there is a multiplicity of boarding houses, but none of the little farms around like there are around the smelters.

Q. You stated that you gave your employees the right to select their own doctors and hospitals, and their own boarding houses, etc. Don't you believe you would be violating the rights that belong to every American citizen if you were to insist on selecting the doctor, the boarding house, and the hospital for him?—A. Yes; those are the grounds upon which we respected their demands in that line.

Q. And that it would be a gross outrage of his rights as a citizen to compel him, as a prerequisite to employment, to patronize these institutions you were interested in?—A. Yes; it was on those grounds we left everything to the men.

Q. Do you believe mining is equally as profitable in Utah as it is in Colorado or Idaho?—A. Generally speaking, yes. I should like to eliminate one district, in this testimony, and that is Cripple Creek, Colo. There are peculiar resources that obtain there; there is a better field there, the mineral resources being there about four times as great as the mineral output from our State. I omit from my answer the district of Cripple Creek and that district alone.

Q. Excepting the Cripple Creek district, then, you would say that mining is as profitable in this State as in Colorado?—A. Yes. I would not want to go on record as placing the profit derived from Colorado mines as above our own.

Q. Then, eliminating that district, do you believe the mine operators here are able to pay as good wages as in Colorado?—A. Possibly not, from the large amount of gold that Colorado is producing.

Q. Do you believe that the lower wages prevailing in this State as compared with the States in which the miners and smeltermen are organized has had anything to do with the fact that the employees in these industries here are not organized?—A. No.

Q. You don't believe that?—A. No, I don't believe that lower wages are due to non-organization.

Q. You think it has nothing whatever to do with it?—A. I think it has nothing to do with it. I think the men have naturally accepted the situation of the silver slump. The decline of silver has been against higher wages. I would not like to say that organizations would not secure higher pay, but I think the men have recognized the slump in silver and the fact that a great many silver mines are closed down, and they have hesitated to organize and make demands that would be hard to meet.

Q. The mining industry is profitable and prosperous in this State now?—A. Yes; and a great deal in copper and ores having lead and silver.

Q. Then you believe if the miners and smeltermen of Utah should now organize and demand higher wages that they would probably get an increase, and the properties could stand an increase?—A. It is too narrow a profit. Most of our largest silver mines are closed. Of course, the effect of organization would be to raise wages a little, we can not deny that; but, as I have said, the men have recognized the situation here, and it all depends upon silver, and it has been a barrier to organization, no doubt.

Q. Was it a barrier to it in Montana where they depend directly upon silver?—A. The copper there is their great value.

Q. At one time silver was one of the leading features, was it not?—A. No; I think their copper values always exceeded their silver values.

Q. Was not silver the first mining industry in that region—silver and gold?—A. Yes; it was the initial industry. I think that about 50 per cent of our product, in value, in 1898 was silver.

Q. What per cent of your product was silver before the demonetization of silver?—A. I would have to look over my tables to state that.

Q. Much larger than 50 per cent, was it?—A. Yes.

Q. As high as 75 per cent?—A. Possibly.

Q. The demonetization of silver stimulated the development of other metals?—A. Yes; in a very marked degree—gold and copper.

Q. Is there anything more you wish to say?—A. No more, than I would recommend the examination of the pay rolls 1 year before and after the 8-hour law, and get the aggregate figures to show how much better time men made under the sanitary operations of the law.

Q. That is the table you have given us?—A. Yes. (See first part of Mr. Terhune's testimony.)

Q. What effect do labor-saving appliances have on production?—A. Labor-saving appliances are used very generally here. They eliminate men and cheapen production.

Q. Do they eliminate laboring men permanently?—A. Yes.

Q. Is it your idea that the introduction of machinery generally eliminates men, or does it possibly make such an increase in the production, or work and development of new claims, as to make it about even?—A. I don't think it quite does that. It don't quite take care of those who have been eliminated.

Q. What is your judgment about patent rights; do you think there should be a law limiting the opportunities for the use of patent rights, or do you think that a man should have all that he can get?—A. I am something of a patentee myself, and it would be expert testimony from me. I believe in the highest rewards for genius, but I think perhaps the term of years might be restricted.

Q. It is restricted now to 17 years. Do you not think that is too long?—A. I think there might be a further restriction.

Q. You realize that the genius does not get the benefit of his patent?—A. Now and then there is a man who reaps the benefit of his invention, but the moment you curb invention you stop. I would have the rewards left great enough to stimulate invention.

Q. And did reward ever stimulate invention much?—A. I think it is one of the great stimulations.

Q. Is not genius incontrollable; is it not an outburst?—A. Well, I have thought that genius might be restricted from money-making by a tax of 100 per cent after a certain amount of money has been obtained, and if the men perished from the earth by reason of the restriction it would not be as much loss as in the case of genius being exterminated.

Q. Could they avoid being inventors, even if they never got any rewards?—A. No. I will say that the love of scientific pursuit is a great stimulus.

Q. (By Representative BELL.) Could he see the clumsy work of any ordinary man without seeing a shorter way?—A. No, he could not. He always saw the shorter way, yet from his duplex telegraph he only got $25,000. One of the foremost inventors in metallurgy is John Fritz, of Bethlehem, and he was a great exemplification of the point you make, of the love of doing things in a shorter and better way; he did more to make the great works there by his inventions than any other person; yet his rewards have been very few.

Q. Is not that the history of inventors—that the inventor rarely gets the benefit of his inventions?—A. It would appear to be.

Q. Inventive genius has ameliorated the conditions of mankind?—A. That is what invention does. It would give a man ample rewards without restricting invention; but on the inventive tendency it is a great burden to civilization sometimes to have a bond of 20 years hanging over it.

Q. (By Mr. KENNEDY.) Is the carrying out of the other idea feasible, without changing the Constitution of the United States?—A. But you may say how far a man may go. A man might own the world after a while. I think there is something like that in Germany. If you exterminated the commercial incentive it would not do very much harm to the world; it needs to be exterminated in a measure; the commercial instinct to-day is too much exercised.

SALT LAKE CITY, UTAH, *August 3, 1899.*

TESTIMONY OF MR. A. HANAUER,

Capitalist, engaged in mining and smelting in Utah.

The subcommission on mining met at 2 p. m., August 3, 1899, at Salt Lake City, Utah, Chairman Bell presiding. Mr. A. Hanauer, being duly sworn, testified concerning mining conditions, the topical plan on mining being followed. The following is the report:

Q. (By Representative BELL.) Give the secretary your name?—A. A. Hanauer; residence, Salt Lake City. I used to be connected with smelting and mining. I am yet engaged in mining, but not in smelting.

Q. How long have you followed these occupations?—A. Well, I have followed them, you might say, since 1868.

Q. What smelter were you last connected with?—A. Hanauer Smelting Works.

Q. What mine did you last work?—A. Well, I worked the Alliance, up in Park City, and some mines in Bingham—the Brooklyn and Lead mine groups. We are still working the Lucky Boy mine up in Idaho in the old mining country.

Q. What would you say about mining generally; is it prosperous?—A. Well, some mines are prosperous and others are not.

Q. How is the industry as a general thing compared with the past?—A. The industry is looking better to-day and for the past 6 months or a year than it has in the past, owing to Eastern capital investing in properties in Utah and everywhere else.

Q. Has it been influenced by the increased price of copper?—A. To a certain extent; yes.

Q. How about the increased price of lead?—A. It has had something to do with it.

Q. Taking it as a whole, you would call the industry prosperous?—A. As a general thing, yes. You may not understand me; while mining is going on you will find lots of money expended on mines that will never pay.

Q. The old idea that more money is put into the ground than is ever brought out has been somewhat verified in your experience in the West?—A. Yes.

Q. That is caused by the great expenditures in prospecting?—A. By prospectors and would-be miners.

Q. Is it your judgment that in the future more money will be taken out of the ground according to the expenditure than has been in the past?—A. I think so.

Q. You attribute that to what cause?—A. The cheaper working of the mines is one thing, low-grade ores being worked now for much less money than they used to be worked. They must be worked on a large scale. You can not work a low-grade mine to any profit unless you produce a large quantity of ore.

Q. Has the training and experience of the great line of mine operators and miners had something to do with it?—A. Yes. Men work with better judgment and on a bigger scale than they used to. Many low-grade mines, if worked in a small way, can not be made to pay at all. The big mines up in east Michigan, where there are low-grade copper mines, the Calumet and Hecla—if these mines were worked on a small scale they could not be made to pay at all, in my opinion.

Q. What would you say about investment in mining? Is investment as good as in a successful mercantile, banking, or manufacturing business?—A. Well, that depends altogether on the scope of country you are operating in. In some places you can open a mine and it will pay handsomely, and in other places you may not find the mineral sufficient to make it pay.

Q. At the same time a man often goes into a mercantile business and fails?—A. Yes; there is no doubt about that.

Q. Is mining really a haphazard, catch-and-miss business, or is it a straight, legitimate business and investment for capital?—A. It is undoubtedly a good and legitimate industry. At the same time there is more hazard connected with it than there is with a mercantile business or a manufacturing business.

Q. And when you succeed the profits are usually greater?—A. Yes.

Q. Taking it all around, would you consider it as good a field for investment as any other?—A. I would.

Q. (By Mr. KENNEDY.) Is the mining business as prosperous and remunerative, generally speaking, in Utah as it is in the adjoining States of Colorado and Idaho?—A. I don't think it is, to a large extent. We have some good mines here that are paying very handsomely, and others that are not paying.

Q. (By Representative BELL.) How does the industry compare with 5 or 6 years ago in Utah?—A. Well, I think it is just about on a level. I think it holds up about the same. Five or 6 years ago we had the Ontario and Dailey mines in Park City. They have been paying big dividends right along. And other mines have come to the front—the Silver King, in Park City; and in Tintic there are several good mines that pay handsomely; the Centennial-Eureka pays big dividends and did 3 years ago. The Centennial-Eureka 6 or 8 months ago paid big dividends, and the mine is looking better than ever.

Q. You think the industry is not more prosperous than 5 or 6 years ago?—A. No; not as a general thing. Some mines are better than they have been and others are taking a backset.

Q. Now, how does the investment in mines compare at this time with 10 or 12 years ago; that is, is there as much money invested as formerly, or more?—A. I think more, in the last 6 or 8 months, and particularly so in Utah.

Q. Is it your judgment that investment in recent years has a better chance for returns, generally speaking, than in the early history of the West?—A. Undoubtedly so.

Q. Do they mine with better judgment, from long experience?—A. Better judgment and on a larger scale.

Q. Are you employing more men now than formerly in mining?—A. I should say so; yes. There are more men employed in Utah now than there has been.

Q. How does the wage scale of to-day compare with that of 10 or 15 years ago; is it higher or about the same?—A. I should think the miners get to-day all the way from $2 to $3.50 per day, owing to the kind of work they do—dry work or wet work or laborers on top. I don't know as there is a great deal of difference between the wages paid to-day and 10 or 12 years ago—may be some little; supplies of all kinds are cheaper; living is cheaper. I think a man can save more money with the present wages in Utah than he could 15 years ago.

Q. Can he save more than he could at any time since mining has been developed in Utah?—A. I think so, yes; because living is cheaper—supplies are cheaper, clothing is cheaper, everything is cheaper than 15 years ago.

Q. In fact, living expenses are very reasonable now in every part of the country?—A. Yes.

Q. What is the condition of the miners generally? Are they improving their social and intellectual condition?—A. Well, that depends altogether on the kind of man; some men will improve and others will not.

Q. What is the general tendency?—A. I think the general tendency is better than it used to be.

Q. To what do you attribute this improvement?—A. The men don't spend so much money now as they used to. For instance, I don't think they spend as much money for whisky or at the gambling tables as they did.

Q. Are many of them men of families?—A. Lots of them.

Q. And more settled than formerly?—A. Yes.

Q. They also have more means of enjoyment outside of saloons now?—A. Yes. They have the use of libraries and other places, where they can go to improve their minds if they wish to.

Q. Is it not your judgment that the American people, generally, have undergone great economical improvement in the last 10 or 15 years?—A. Undoubtedly so.

Q. That they are spending less money foolishly and husbanding their resources better?—A. Yes.

Q. And that they have made great economical improvement all along the line?—A. That is my opinion.

Q. And that has reflected upon the miners and influenced them in a measure?—A. Yes.

Q. The miners send their children to school?—A. Yes. Good facilities everywhere.

Q. And they go to school with the merchants' children, and bankers' children, and lawyers' children?—A. Same as anybody else.

Q. And I suppose their standing is as favorable in school?—A. Just as favorable as anyone else, if they employ themselves in study.

Q. And there is a general fellowship existing between the children of the entire community?—A. Yes; so far as I know.

Q. In your judgment, what influence will that have on the rising generation; where everybody is practically educated together?—A. I think it will be undoubtedly better.

Q. You would consider that a beneficial condition for the coming generation?—A. Yes.

Q. Have you such a thing in your mine as the sliding wage scale?—A. Yes. Take the wages paid men for work on the outside; they receive usually from $2 to $2.50 per day, owing altogether to the country you are mining in.

Q. I believe you said you were mining some in Idaho?—A. Yes.

Q. What are the wages there?—A. We paid $3 for miners and outside laborers and $3.50 for the men working on the drills. Mechanics we pay all the way from $4 to $4.50 per day. Wages in Idaho are higher than they are in this part of the country.

Q. Where are you mining in Idaho?—A. Up in Custer County.

Q. How is the expense of living there as compared with here?—A. I presume the expense is about 33 per cent higher than here.

Q. How is it in the wet mines, necessitating the wearing of gum goods or rubber goods?—A. Well, the only men that wear rubber goods there are those sinking shafts. They don't wear rubber goods if they are stoping for ores; in driving for ores they don't require them.

Q. What is your judgment as to the net savings of the men here as compared with the net savings of your men in Idaho?—A. I think quite as much, because the miners here can board about 33 per cent less than there.

Q. How is clothing?—A. Everything, I presume, is probably 20 or 25 per cent cheaper here than in Idaho.

Q. We found in Idaho, when there, another form of the sliding wage scale at the Bunker Hill and Sullivan mine. They entered into a contract with their men. In

1893, I think it was, they were paying $2.50 per day, and they made an agreement with the men that when 100 pounds of lead and 2½ ounces of silver should be worth $6 they would pay the old scale of $3 and $3.50.—A. We never had any scale like that in operation in Utah to my knowledge.

Q. Have you had any experience with it in Idaho?—A. No, for the simple reason that we are not mining for lead there at all.

Q. Is there in any sense a sliding wage scale in Utah, although not called by that name; that is to say, where you have a very low-grade mine or a dry mine, a nice place to work, and the wages are lower than where they have a very wet mine or a mine of high-grade ore and a splendid paying proposition?—A. There is only one camp in Utah where the wages are lower than in the adjoining camps, and that is Bingham. In that camp they are working as low as $2 per day; in the other mining camps I don't think they have paid less than $2.50 and from that to $3.50.

Q. What is the cause of that sliding scale?—A. The low-grade mines, for one thing, in Bingham. The mines as a general thing are not as rich as mines in other camps. Take Mercur, and their ore is poor; at the same time they make $4 or $5 ore pay, and in Bingham it will not pay at all, excepting it is copper ore.

Q. Where the mine makes 25 and 50 cents per ton on low-grade ore, do you call that a paying mine?—A. Yes; if they can make 25 or 50 cents per ton over all expenses and do work, it is a paying mine for a low-grade mine. Understand me, the ore must be in large quantities.

Q. Then a question of 25 or 50 cents in wages often cuts a big figure in a mine of that kind?—A. Yes.

Q. It may measure the difference between operating and shutting down?—A. It may make a man a loser or a gainer.

Q. Well, if he loses very long what will be the result?—A. Mines naturally would shut down.

Q. And you would say that accounts for the disparity in wages?—A. Yes.

Q. Largely it is the ability of the mine to pay the wages?—A. Yes.

Q. That is probably a sliding scale, though you don't call it that?—A. We don't call it that, because we have not an established sliding scale.

Q. But if the same mine should become very remunerative, do you feel that the men would get more pay?—A. Yes.

Q. Has that been a general custom in Utah?—A. Yes.

Q. Men take into account the ability of a man to make a product that would justify a higher wage?—A. Yes; to make a profit.

Q. Have you the so-called store-order system to any extent in Utah?—A. No.

Q. Do you know whether they have it in the coal mines generally? We have usually found it there more generally than elsewhere.—A. I could not say, speaking from my knowledge.

Q. You know what the store-order system is?—A. Yes.

Q. What do you know of it as an economical principle?—A. Well, if the men are treated fairly I don't think it could make any difference whether they bought their supplies from a store connected with the mine or not. Usually in one of these places where there are coal mines or other mines they have other stores, and if the companies don't prohibit their men from trading at the other stores I don't think there can be any injustice. As I understand, in some localities they issue orders that a man must supply himself out of the company store or else be dismissed. That part of it I would consider altogether wrong.

Q. Do you have any such thing as the insurance of men against accident?—A. Yes; we carry insurance at our smelter as a usual thing; more so at the smelter than at the mines. While we carry insurance in Idaho against accident and injury to the men, in Utah we carry very little of it in our mines.

Q. You have the general system of having the men contribute $1 per month?—A. We have the system of the men contributing $1 per month toward the hospital and doctor, but they don't have to contribute it toward their insurance.

Q. You don't have both?—A. Yes, both. The men have the privilege of choosing which one they will take, because it would not pay them to contribute $2 per month. They can contribute the dollar toward the hospital, or they can contribute it toward accident insurance.

Q. Did you have an insurance for accidents so that if a man was hurt he would collect from the insurance company and relieve your company?—A. Yes.

Q. Did the hospital system and insurance system meet with the approval of the men?—A. Ninety per cent of the men, I think, were insured in the accident policies. I don't think over 10 per cent were insured to go in the hospital.

Q. They had the privilege of either?—A. Yes.

Q. Did you ever have the boarding-house system?—A. No. We had a house to furnish the men with sleeping apartments, and they paid $1 a month each for tak-

ing care of the rooms. We had a man there who was boarding the men at so much per week, and the men could board there or not, as they saw fit. There was no compulsion on the part of the company; did not insist that they board at that boarding house.

Q. Do you ever have any strikes in Utah?—A. Not worth speaking of; I don't know of any strikes among smelters.

Q. Have you had any in the mines that you recall?—A. I think there was a strike at Tincic some years ago.

Q. Do you remember what brought it on?—A. Well, I presume the walking delegates of the unions brought it on.

Q. They visited there at that time?—A. Yes.

Q. Do you know whether there was a complaint there at that time about the men being compelled to board at the company boarding house?—A. I believe there was such a complaint stated in the newspapers.

Q. I want to ask you if it is not a fact, as observed by you, that if you allow men to trade where they see fit, if you allow them to insure or not to insure, allow them to board where they please, that it has a tendency to prevent strikes?—A. Probably it would.

Q. It makes them feel that they have something to say about it and takes away the opportunity for the so-called agitator to say that they are dictated to?—A. To some extent; yes.

Q. And has a kind of conciliatory effect?—A. Undoubtedly so.

Q. (By Mr. KENNEDY.) You stated that 90 per cent of your men belong to the insurance system you provide for them and 10 per cent go in the hospital feature?—A. Yes. That is not exactly correct; I am just giving it to you approximately.

Q. You say they had that privilege. Do you mean that the company gave them the alternative of accepting either one or the other feature?—A. They don't have to accept either one if they don't want to.

Q. If he should refuse to accept either one of these propositions would that fact prejudice him with the company in his employment?—A. Not at all. Only in the case of illness or accident they would have to take care of themselves.

Q. No compulsion about it?—A. Not at all; never was.

Q. Speaking about a walking delegate, did you ever see a walking delegate who was not the representative of the men who were at work and for whose interests he spoke?—A. Of course he is the representative of these men, and he is a man that does not wish to work, and who makes his living, as a general thing, out of the union; and for the purpose of keeping his place he must be agitating and creating trouble.

Q. If any odium attaches to the name "walking delegate," or to any walking delegate in person, does not the odium attach to the organization and to the men themselves?—A. No; I don't think so.

Q. Have you had any such thing as a walking delegate in Utah?—A. Only what I heard. I never saw anything of them except such men as were pointed out to me as coming from other sections of the country, such as Montana, Colorado, and Idaho.

Q. The president of the miners union?—A. It may not have been the president, but some individual. It might have been the president. I don't know anything about it at all only what I was told and saw in the newspaper, that such a man was a walking delegate; that such a union walking delegate was in the State, and that he came to organize labor, or some such thing or other, which I suppose he had a right to do.

Q. Don't you think there is a good deal of ignorance prevailing as to what a walking delegate is?—A. I don't think there is any particular ignorance about it.

Q. You say that you don't know of any walking delegate in Utah?—A. Yes, there have been some here. I don't know them personally, but they have been pointed out to me, and I was reading in the newspapers about such men belonging to the union being here.

Q. If the man is the president of the union, and is elected as the president, and travels from one city to another looking after their interests, is it fair to call him a walking delegate, when he is the president of that organization?—A. Well, I don't know that it is proper or fair to call him a walking delegate without he comes under that head. That is the title that seems to be given them under the organization.

Q. No; the organization would not give their men the name of "walking delegate."—A. It is that that gives them their name, as I understand.

Q. (By Representative BELL.) What are your hours of labor in Utah?—A. Before the 8-hour law was passed in Utah, some years ago, the men at the smelters worked 10 and 12 hours. The laboring men worked 10 hours, and the men around the furnaces, feeders and furnace men, worked 12 hours.

Q. And the 8-hour law displaced that?—A. Yes.

Q. What would you say as to the injurious or beneficial effects of the 8-hour law on the employer as well as upon the employee?—A. It would naturally work against the employer and would not benefit the employee very much. We will go back to 1893, when we had a panic, as you gentlemen are aware, and everything became very dull, in the smelting as well as every other industry in the country; and for the purpose of keeping our works going we were obliged to reduce wages 10 per cent at that time. After the 8-hour law was passed in Utah, we told our men that our business was more prosperous than it had been and that we would go back to the old wages that were in effect before 1893, before the reduction was made, and would pay them by the hour; and they could work 8 hours or longer if the law would permit. We had no trouble adjusting matters with our men. They all stated they were satisfied with that; and they went to work on the 8-hour system and were paid accordingly.

Q. (By Mr. KENNEDY.) Did you make a reduction of 20 per cent in the wages?—A. We made the reduction to correspond with the number of hours they worked. I could not tell you whether it was 20 per cent or not. I can give you the amount we paid them after the 8-hour law went into existence. When the 8-hour law went into effect we paid the old wages that had been paid before the reduction, but paid them by the hour.

Q. (By Representative BELL.) You had to put your furnace men, roasters, and feeders on the 8-hour system?—A. Yes; because the law would not permit us to employ the men longer than 8 hours.

Q. In what manner does the 8-hour system injure the employer?—A. Because we have to pay the men more wages than we used to pay.

Q. About how much more?—A. For instance, at the smelter we had to employ 3 men where we used to employ only 2.

Q. And didn't they get proportionately less pay?—A. Not to the full amount. You can easily figure it out.

Q. Was there no increase in the efficiency of labor under the 8-hour system?—A. I could not say there was a great deal of efficiency. Furnace men are governed a great deal by the work of their furnaces.

Q. In other words, the furnace can only take so much an hour?—A. Can only take so much an hour.

Q. And if he works 8 hours he can do no more work per hour than if he worked 12?—A. He can do no more work, because the furnace takes only so much and no more.

Q. How do you find it in mining?—A. Well, in mining, where a man works 8 hours and steady, if he is at the place of work and leaves there on the hour, I think he can do fully as much work in 8 hours, by being economical of his time, which the most of them are, I understand, as he can in 10 hours.

Q. Then you would say it is not injuring mining to any perceptible extent?—A. I don't think so.

Q. How has it affected labor?—A. Well, with labor it is different. A laboring man will do just so much.

Q. In other words, it requires a greater number of employees to accomplish in 8 hours what they would do in 10—that is, you put on more men at the smelter?—A. Yes.

Q. And if you worked three shifts you would have to increase your work at the mine?—A. No. You see it is this way; at 10 and 12 hours the men only worked two shifts, and under the 8-hour system they can be divided up into three shifts. In fact, some of our mines worked three 8-hour shifts before the law went into effect.

Q. Well, would you say the law and system as now practiced is generally satisfactory?—A. Yes.

Q. Both to employer and employee?—A. Yes; I think so.

Q. There is no complaint?—A. No complaint that I know of.

Q. Do you know about the average number of days the men work in the smelter per month?—A. That would be very hard to say. I think that our superintendent could answer that question.

Q. What do you think of the observation of the Sabbath, or of one day in the week for recreation?—A. In smelting, the Sabbath day could not be observed.

Q. You must run continuously?—A. Must run continuously or else let the fires go out, and that would mean a great loss to the works.

Q. Can you have relief men so that you can allow your men time for recreation?—A. Yes; they do it right along, particularly so during the summer months. I presume the superintendent can tell you there is hardly a man who works there 20 days during the summer months; they lay off and take vacations.

Q. How is it in the mines; do they work every Sunday?—A. Some of the mines work Sunday, and others do not.

Q. What is your judgment as to the economical advantage of working Sunday; ought the men to rest one day out of seven?—A. If it comes right down to rest I would say that a man who works should rest one day in the week; but the generality of our men, in the place of resting, if they don't work on Sunday, carouse and spend their money foolishly; and I think they are better off when they work the whole month through, although of course there are some exceptions to the rule.

Q. How are those who have families; are they inclined to remain with their families and rest quietly?—A. I presume some of them do.

Q. What is your judgment as to the advisability of having these grogshops accessible to your mines?—A. Well, while they are not accessible right at the mines they are in the neighborhood close by in Park City. In Bingham and in Tintic, while there is no saloon in the close neighborhood of the mines, there are saloons in the towns close at hand, and the miners will find their way there Sunday or Monday, or any other day.

Q. The farther off they would be, then, if they were within reach at all, the worse it would be?—A. Yes; I think so.

Q. You would say that if the men would rest it would be advisable?—A. I should think so; yes.

Q. But if they propose carousing they will come back to the mine in a worse condition than they left it?—A. Yes. There are some positions in wet mines that would have to be filled under all circumstances. Where there is a wet mine you must keep pumpmen there. The pumps have to be operated Sunday as well as any other day.

Q. You have a good deal of the cooperative sentiment in Utah?—A. Not among the laboring men that I know of.

Q. Has it ever been applied to mining?—A. Not that I know of.

Q. Have you ever had any importation of outside laborers into Utah?—A. None whatever.

Q. No colored labor?—A. I don't think we have ever employed any colored labor at all, except Chinese labor for cooking in the mines.

Q. Have you had non-English-speaking labor?—A. Well, there is more or less of that class of labor in Utah—Scandanavians and some few Italians, I believe.

Q. Do they make good miners?—A. They make very good men.

Q. And are they law-abiding citizens?—A. They are usually very steady, if they are not brought under bad influences.

Q. Are they as good usually as the Irish?—A. I think they are equally as good.

Q. And Cornish?—A. Yes. I think the Finlander makes the best miner of all of them.

Q. He is an orderly, law-abiding citizen?—A. He is orderly, and very nice when he is sober.

Q. Will get drunk occasionally?—A. Yes; will get drunk occasionally, and raise the devil.

Q. What kind of a school system have you in the mining camps?—A. They have the public school system, the same as they have right in the city. I know we pay toward the schools.

Q. Does the community furnish the schools near all of these big mines?—A. Every district furnishes the schools.

Q. You regard them as satisfactory, do you?—A. Yes; and pay for it.

Q. Necessarily by the taxes?—A. Yes.

Q. Churches established there?—A. Yes.

Q. Public libraries?—A. In some camps, yes; not in all of them.

Q. (By Mr. KENNEDY.) Speaking of the company bearing the taxes for these schools, is it not a fact that the tax is distributed pro rata throughout the State?—A. It is now, but in the days gone by I know that we contributed outside of taxes to schoolhouses in the Bingham district.

Q. You thought it was good policy to do that, didn't you?—A. Yes; we wanted to help the people along and thought it was necessary.

Q. Was it for the purpose of making your miners well contented?—A. Yes; to give these people, if they had children, a chance to send them to school. Now that is done away with. We levy the taxes and everything is assessed according to the valuation of the property, a per cent in the different districts.

Q. (By Representative BELL.) Have you had any other restrictive legislation in Utah of any consequence beyond the 8-hour law?—A. None whatever that I know of.

Q. No inspection law for metalliferous mines?—A. Yes; there is an inspection law. I don't think it is offensive at all.

Q. Anything in the inspection regulations, such as ventilation?—A. Oh, yes.

Q. Is that unusually restrictive?—A. No; I don't think it is. I think it is proper legislation, and that the mines should be properly ventilated.

Q. It is approved by the miners and mine owners?—A. Yes.

Q. How are your tax laws, as affecting the mines?—A. Mines are only taxed, so far as patented mines are concerned, I think, at the rate of $5 for a full claim or $5 per acre. I am not sure, but probably it is $5 per acre.

Q. Then on the improvement and on the net output?—A. I believe that is the system in vogue here—taxed on the improvements and on the net output of the mine.

Q. Well, is that a good method of taxing property—that is, to put a nominal tax on the acreage?—A. I believe that is the way where it is patented property.

Q. Regardless of the real value, then, you tax the earning capacity as it develops?—A. Yes.

Q. Does that meet with the approval of the mining men generally?—A. I think so. It seems to be satisfactory.

Q. No complaints?—A. No complaints.

Q. Have you ever had any trouble in Utah over freight rates?—A. Well, I don't know that we have had any particular trouble, because the railroads as a general thing come together and adopt their rates.

Q. Have you had any discriminations?—A. We have not had any in late years, to my knowledge.

Q. You had in former years?—A. Yes. In years gone by I think there was discrimination.

Q. What is your judgment of the right of the railroad, in morals or otherwise, to give one citizen a benefit over the other for a like service?—A. Well, I think all industries should be treated alike. For instance, you take the smelting business; I think a smelter that ships 100 tons of bullion a week should have no better rates than the smelter that ships 50 tons.

Q. In other words, you think the unit of tonnage as fixed should be a small one?—A. Should be a small unit; yes.

Q. You would say that 1 carload should go for the same price as a train of cars?—A. Yes.

Q. And any other system would have a tendency to build up the strong and destroy the weak?—A. Yes.

Q. Well, don't you think that should apply to all industries as well as smelting?—A. Yes; in the same line of business. Now, for instance, they will haul potatoes from here to Chicago cheaper than they will haul bullion.

Q. That is because of the small value?—A. Yes.

Q. As a matter of fact, they will haul a great many commodities cheaper than they will bullion or ore?—A. Yes.

Q. And they will haul a car of ore from here to Denver for about one-tenth of what they will charge for a car of cattle?—A. Yes.

Q. In other words, the transportation charges seem to be based largely upon the ability of the article transferred to stand the charge?—A. In a great measure; yes.

Q. From the place where I live to Denver, with a car of ore, if it be low grade, it it will be one price, and if it be high grade it will be another price. Is there any particular objection to that so long as the total charges are not exorbitant?—A. I don't think there should be any particular objection to it, provided the shipper does not abuse an advantage of that kind. Very often you will find a shipper who will take advantage of a privilege of that kind.

Q. He will be inclined to put in a high-grade article at a low-grade price?—A. Yes.

Q. And thereby give one man an advantage over another?—A Yes; I know the railroads west of here, the Southern Pacific, guard against that by making the parties receiving the ore give the valuation, give the assayer's certificate of the value of the ore.

Q. That meets with your approval?—A. Yes.

Q. And if the railroad company can take this low-grade ore and transport it for barely the cost of transportation, it benefits the industry?—A. There should be no objection to it on the part of those that have rich ores. I can not see why there should be.

Q. Now, what is your judgment as to the public policy of permitting the great concentration of the smelter interests of the country?—A. Well, I don't think there can be any particular harm.

Q. Well, suppose that they should control the entire industry, that would not be objectionable if they did not abuse the power?—A. Of course not.

Q. But does it not wield a very dangerous power that it might abuse?—A. It might possibly be abused in the course of time if they got full control of all the smelting and reduction plants of the United States, but I hardly think so.

Q. You think the combination is not strong enough to destroy a good, healthy competition?—A. No; it is not.

Q. Do you think it is large enough to wield an influence upon the railroads that will bring them a discriminating rate?—A. I would not be able to say whether they could do that or not.

Q. If that could be done it would destroy competition, would it not?—A. Yes; they might if they were strong enough, but under the interstate commerce act I don't think the railroads could do it.

Q. Mr. Huntington stated before the investigating committee that the drawbacks paid by the Santa Fe bankrupted the road and amounted to something like seven millions at the time of the failure of the road. Now, do you believe that one citizen, whether he be large or small, should be permitted to have a drawback or discriminating rate against any other citizen?—A. I don't.

Q. Under like conditions?—A. I don't.

Q. And that the law should absolutely prohibit it?—A. Yes.

Q. And should be enforced?—A. Yes.

Q. (By Mr. KENNEDY.) Was your smelting establishment run at a profit during the last several years?—A. Yes.

Q. A very prosperous business, was it?—A. Yes.

Q. You sold out to the smelter trust, did you?—A. Yes.

Q. Is it a matter of public knowledge the price you received for your plant?—A. It is not.

Q. Would you care to state what you were paid for the plant by the trust?—A. Well, I would not have any objection. I received $200,000 in preferred stock and $140,000 in common stock.

Q. Any cash?—A. Only cash for what material and supplies we had on hand. That was paid in cash.

Q. Can you state the amount of that?—A. I think that amounted to in the neighborhood of $40,000. That was for smelter supplies, such as new machinery, and ores, and fluxes, and things of that kind.

Q. It has been stated that you were paid a great deal more than the value of the plant. Is that true?—A. No; I don't consider it so.

Q. Is that plant now closed down?—A. Yes.

Q. How many employees did you have at the time of the sale?—A. That would be pretty hard for me to say.

Q. You can not give an approximate answer as to the number of men employed?—A. I could not very well without looking up the pay roll.

Q. Do you think as many as 100?—A. Yes; at times more than 100, and at other times not more than 40 or 50.

Q. Were these men all thrown out of employment at the time the smelter closed down?—A. Except the superintendent and clerical force.

Q. They were thrown out of employment?—A. No; their pay is going on the same.

Q. They are not doing any work for the smelter?—A. At the present time they are out of work.

Q. The consolidation threw them out of work?—A. Yes.

Q. Did any of these men have homes in the vicinity of your smelter?—A. Yes.

Q. These homes are almost valueless now, are they not, on account of the closing down of your works?—A. Not at all. The same men get plenty of work at the Germania. They had to increase their force correspondingly, because, when the consolidation took effect, the Germania was running three blast furnaces, and now they are running five or six.

Q. What could have been the object in closing down a smelter that was employing a large number of men and doing a profitable business—making plenty of money?—A. The object was to consolidate the business in one plant and employ more men at the Germania.

Q. The Germania had an office force, did it not—superintendent, clerks, etc.?—A. Yes, but at the same time I think they took some of them; they had to—two or three office clerks, superintendent, etc.

Q. As the work increases you have to employ more help in the office and on the outside?—A. Yes.

Q. Is it not the object of the trust in forming this combination to dispense with a large number of men and thus cheapen the product?—A. It would only dispense with a few men—the head man, superintendent of the works, and a few office men. We had two or three men down there in the office besides the superintendent. These were the only men that were thrown out. The balance of the men get fully as much work as they had, because the Germania had to double its capacity. It is more economical to do the work in one plant than in two.

Q. You said your smelter was running at a profit; that you were making money?—A. Yes.

Q. And yet you state that you didn't receive for it any more than its full value? In speaking of its value, do you mean to speak of its earning capacity for the future?—A. No.

Q. Was there nothing for the good will—no value of that kind added?—A. There was something added to it. You might say a compensation was added for going out of business.

Q. Then, really more than the plant was worth was paid for it?—A. Well, in the first place, I could duplicate the plant for less money now than what the plant cost us.

Q. And you received for it considerably more than it cost you?—A. No; not considerably more; very little more than what the plant cost.

Q. You received this consideration—more than the plant cost you—for going out of business?—A. You might call it that. Our plant cost us from first to last $173,000.

Q. Then you received $165,000 more than it cost you?—A. No; that is not true.

Q. You can sell the preferred stock at par, can't you?—A. No; nothing of the kind.

Q. Well, then, you consider the common stock of very little value, do you?—A. The common stock has sold as low as 32 per share, and the preferred as low as 82.

Q. Even putting it in at that, these figures represent considerable more than it cost you.—A. Supposing it did. We are not here for glory. We wore out our old clothes long ago.

Q. It was stated before us that for some of the plants more than three times the value was paid for them.—A. I don't know anything about that.

Q. (By Representative BELL.) Here is the point we are trying to reach. There is a great prejudice against what is called watered stock, or what the world calls watered stock, especially in plants like railroads, smelters, and like institutions that the public has to patronize; and the point is whether by syndicating the smelters and putting in plants at a greatly enhanced price the stockholders, who will probably be the former owners—because I suppose the most of this stock will go into the former owners' hands—will claim dividends on the entire stock, and the mining world will take it that the smelter charge will be placed at a figure that will pay a dividend on the entire stock, based on the prices at which the plants were put in.—A. I don't think these are the indications so far as I know. As I understand it, the common stock can not declare any dividends until after paying the interest on the preferred stock.

Q. Do you know how many plants went into this trust?—A. I can enumerate some that went in. In Denver two—the Globe and the Omaha and Grant; at Pueblo I think the Colorado and the Pueblo Smelting Company; the Durango smelter at Durango; the smelters at Omaha and Kansas City; smelter at El Paso; the Bimetallic at Leadville, and the Arkansas Valley smelter, and, I think, one at Chicago, and the three plants in Utah.

Q. Now, barring the Argo in Denver, and the Guggenheim in Pueblo, what other successful smelters have they in the West?—A. There is the Selby at San Francisco, and I think there is one or two at Everett, and I think there is another one in the Northwest, somewhere about Tocoma or Portland, or one of these places. I think all told there are probably five or six not in what you gentlemen call the trust.

Q. Would any of these be accessible to the miners of Colorado, Utah, Wyoming, or New Mexico without a very long haul?—A. We have been shipping ore out from here right along until this strike took place in Colorado. There are some ores that can not be shipped out of the country at any price, no difference how low the railroads would haul them. Unless they are high grade you can not ship them.

Q. (By Mr. KENNEDY.) If a man with capital and experience should start up a smelter in this country now, could he run in opposition to the trust?—A. Most assuredly.

Q. You think the trust would not have enough power in railway discrimination or any other means to injure him?—A. Not to my knowledge.

Q. (By Representative BELL.) It is your judgment that quite an amount was allowed for good will?—A. I think so, in some instances more than in others.

Q. Where a man had quite a reputation, or his plant had quite a reputation and had a large business?—A. Yes; I presume that was considered with the showing of profits; although I think independed on the showing of profits; and when they contracted it was for the earning capacity of the works largely; what they had done in the past.

Q. Then if your combination should fix hard conditions on the miners that would necessarily induce capital to build opposition works?—A. Undoubtedly.

Q. And a man beginning with experience in the business and with ready cash could build a plant much cheaper now than most of the syndicate plants cost when erected?—A. Most assuredly.

Q. Then it would make an inducement?—A. It would make an inducement for

capital to go in, and make an inducement for the trust to handle ores as cheaply as possible to meet any opposition.

Q. And if it should be managed in that way it could not be any great detriment?—A. Not at all.

Q. And that is the only policy that would enable the trust to stand?—A. Yes; that is the only way they can stand.

Q. And is it your judgment that it will be so managed?—A. That is my judgment.

Q. Fixed expenses would be a great deal less?—A. Yes; and it makes also a great difference whether you can run a plant to full capacity and all the time, or work it as we have worked it, at one-third of the capacity. And a sufficient number of these plants will be dismantled eventually and leave only a sufficient capacity to meet the ore product. For the present none of them have been dismantled.

Q. Well, there would be quite a number shut down?—A. There is only one closed down here; but I understand from the manager that in the near future they will improve the Hanauer plant with an additional roaster, and additional blast furnace, if the market will justify.

Q. At the time of the formation of the trust there was more capacity than product?—A. Yes.

Q. Whenever that occurs that is an incentive to consolidation?—A. As a usual thing, yes.

Q. That is, to run the business, they must close down the surplus capacity?—A. Yes.

Q. Run some at full capacity and allow the others to remain idle?—A. There are two of them running at full capacity here now.

Q. What would you say as to the beneficial or detrimental effects of the consolidation of mining claims?—A. The consolidation of mining claims could not cut any figure at all without they coupled with it their own reduction plants.

Q. Does the consolidation of mining claims benefit or injure the public?—A. I don't think it injuries the public any.

Q. Does it benefit it?—A. I think so; yes.

Q. By enlarging the development?—A. Yes; more development and more plants to develop these mines where they have been only worked superficially. I think you will find in Bingham in a few years from now that the mines will be producing more than they have been for the last 10 years.

Q. That is a consolidation that would not injure the individual owner?—A. No; not at all.

Q. The individual miner gets the same price for his ore as before the consolidation?—A. Yes.

Q. That is a form of consolidation that tends to provide a proper and broader field for labor and greater production without injuring any individual mine owner?—A. I don't think it injures anyone myself. Quite to the contrary; I think it benefits them to a large extent, because a great many of them sell out. Mine owners in Bingham to-day, many of them, sell out to the big consolidation.

Q. These mines are such that it is not economy to try to work one claim by itself?—A. Very rarely.

Q. A combination might develop a dozen claims at practically the same expense that one could be developed?—A. Yes.

Q. Therefore it opens up a field for labor without injuring anyone?—A. It would not injure anyone to start all the mines under one management.

Q. Wages are not affected?—A. Not in the least. Quite to the contrary; I think they are paying bigger wages to-day in Bingham than they have paid for the past 2 years.

Q. Production has increased?—A. No; I will not say that the production has increased; it will eventually be.

Q. Through a wise system of consolidating claims and putting in more works?—A. That would be so in Bingham.

Q. But I am speaking generally?—A. Yes.

Q. It has the same effect everywhere?—A. Not immediately, but in the course of time. All these things will take time. Now, you will find that Bingham will produce 2 years hence more ores in a day than it does now in a week or 2 weeks.

Q. Would the American Smelting and Refining Company have any voice in the consolidation of the cyanide-process plants of the country?—A. None whatever.

Q. It would not interest you?—A. None whatever.

Q. They simply buy the product the same as before—from the cyanide mills?—A. Yes.

Q. Do you know whether an effort is now being made to bring these plants into a consolidation?—A. Not to my knowledge. If the consolidation bought the cyanide

plants, they would have to buy the mines as well. There may be such a thing on foot—to consolidate all the different mines under one management with their plant. But a cyanide plant without the mine is not worth the paper to tell it.

Q. Have you any of these plants in this country?—A. Yes; there must be a dozen of them, I guess.

Q. How does mining machinery and its efficiency to-day compare with the mining machinery and its efficiency, including smelting, 10 years ago?—A. Well, of course the improvement has been very rapid in that direction, in mining machinery. On smelting and concentrating machinery they make improvements almost every year. As soon as anything new comes out the mining men and smelting men at once investigate it, and if they approve of it they will put in the new additional machinery at once, without any delay.

Q. What effect has that on the mining industries?—A. It reduces expenses.

Q. Has that not had a great deal to do with the present prosperity of mining—improved machinery and methods?—A. Undoubtedly.

Q. And reducing the cost?—A. Yes.

Q. How has that affected labor?—A. Doesn't affect labor at all. Labor is just as plenty to-day with the machinery as without the machinery.

Q. The increased production by reason of improved machinery has kept up the employment of labor?—A. Yes.

Q. So you would not say that improved machinery encroaches upon the domain of labor?—A. No. The only thing that will narrow the field of labor in mining is the failure of the mines, when they give out.

Q. Is it your judgment that it broadens the field of labor?—A. I think so. The more ore that is mined the more labor it takes to mine it, and the improved machinery simply increases the field and diminishes the cost of production.

Q. Who gets the benefit of this reduced cost and how is it distributed?—A. Benefits the mine owner and those employed, who get their wages.

Q. Incidentally benefits the whole country?—A. Benefits the merchant, the farmer, everyone.

Q. Then, improved machinery distributes its benefits to all the people?—A. Over the whole district, wherever it may be, whether it be in Utah, Colorado, or anywhere else.

Q. I suppose you know there is an apprehension in the minds of many laborers that improved machinery is an enemy of labor?—A. There is that apprehension among ignorant people, but I don't think as a general thing it is looked upon in that way by men that operate mines.

Q. The history of improved methods, from the first machinery, has shown that it has been even destroyed on the theory that it would destroy the wage worker; but the earning capacity of the laborer has been increased even in the building of railroads?—A. Yes.

Q. And with all other things, so far as you know, has the tendency not been to increase?—A. Most assuredly, in my opinion. Of course, if you take the opinion of ignorant men that don't do anything except work with their hands, they think any improvement that is made will take the bread out of their mouths; but it is not the case.

Q. The machinery enlarges the industry?—A. That is all.

Q. Is there any overproduction in mining?—A. Not that I know of.

Q. Ready market for all products?—A. Ready market for everything that is mined; even for the silver, at a low price, there is a ready market.

Q. (By Mr. KENNEDY.) Any profit in the business?—A. Yes.

Q. Profit in the business of silver mining?—A. Yes; I think mines to-day, with silver at 60 cents, make more money than when silver was 90 or 95 cents.

Q. How do you account for that?—A. Reduction in the cost of supplies, cost of machinery, and everything. Take powder to-day; you pay 11 and 12 cents for that where it used to cost 30 cents per pound.

Q. Do you think that is true of the silver-mining industry all over the West?—A. All over the West; not only here, but everywhere.

Q. More money at 60 cents now than formerly at 90 cents?—A. Yes.

Q. Then, the industry must be in an exceedingly thriving condition?—A. To some extent, yes. As I said to you before, there are some mines that will pay at 30 cents, others at 60, and others will not pay at all, even as I stated, at $5 per ounce.

Q. (By Representative BELL.) Does anything occur to you that you could suggest in the way of remedial legislation for the benefit of the mining industry, or are conditions generally satisfactory?—A. I think, so far as Utah is concerned, everything is very satisfactory, but whether it is satisfactory in other States I don't know. I know the troubles they have had in Idaho. The quarrels between the employees of the

smelters and employers, caused by the 8-hour law, which reached a satisfactory decision, I think will be adjusted in the near future.

Q. You think the laws, so far as they go, are generally satisfactory and about as good as they can be made?—A. Particularly so, so far as Utah is concerned. Of course, I can not say as much for the other States.

Q. Well, your conditions are very similar to those in Colorado, Wyoming, New Mexico, Idaho, and Nevada, with the exception of your 8-hour law, are they not—general mining conditions?—A. Yes, the conditions are similar. At the same time there is that difference that we are not so much interested in the labor cause as they are in Idaho, or Montana, or even in Colorado.

Q. Have you had any particular experience with labor unions?—A. Well, not here.

Q. What conclusion have you reached as to the beneficial effect of labor unions?—A. So far as the beneficial effects are concerned, if these unions would be presided over the same as other enterprises would be, without interfering with men that are willing to work and didn't join the union, they would be all right; but when you make a union a power to dictate to you the men you shall not employ, because they don't belong to the union, I think that is an infringement.

Q. Of the right of contract?—A. Yes.

Q. Well, what would you say of a union that was organized for the betterment of its members, and which used lawful measures, and appointed committees to confer with employers, in a conciliatory spirit, for the purpose of agreeing among themselves as to what was just as between the employer and employee? As I understand, the most of the employers are willing to treat with their employees, but are not willing to treat with the head men of the unions. While that has been fought over very generally throughout the Union and in the West, in the Eastern States they have changed their plans until the employers have kind of combined, as it were, into a union. The employees have formed a union called the United Mine Workers of America, and the Amalgamated Association of Iron and Steel Workers of America, and representatives of the union and representatives of the mine owners go into a a regular conference and fix the terms of employment, rates of wages, etc.; and the managers of these unions are kept right on the move to see that no part of the labor organization fails to carry out the contract to the letter.—A. If that should be done everywhere, I would approve of it, but you can not accomplish that in the West.

Q. They went through all these difficulties in doing it in the East, and that has been the evolution there?—A. Well, I don't think you can establish the same thing in Idaho to-day.

Q. (By Mr. KENNEDY.) I think you will find that condition prevails in many trades and in many States. I think you will find that the typographical union has entered into a contract with the newspapers here and agreed upon wages.—A. That may be so, but when you try the unions on the same subject in the Cœur d'Alene country you fail to do it every time.

Q. You have had a great deal of violence there?—A. Yes; and it will be there so long as that country exists unless the Government keeps an armed force there to keep the men from destroying property and killing the people.

Q. What you object to is the unlawful means that have been used?—A. Yes.

Q. Every good citizen must condemn that; but if the employee is to look after his commodity, which is his labor, as that is all he has, when the employer consolidates his force is it not a necessity for the laboring man to consolidate his force in a measure and direct his influence? Was not that started by the laborers themselves before the employers started in to consolidate?—A. I don't know how it might have been.

Q. Is it not only necessary, but fair?—A. Yes; so long as they are peaceful, I think so.

Q. Fair either one way or the other?—A. So long as they are peaceable they have a perfect right to organize their labor and protect themselves; but just as soon as they depart from that and try to interfere with the men who are laboring men but don't belong to the union, and say to men who are working for $3 per day, "You shall not work for $3 per day because you don't belong to the union"—I say then the influence stops entirely.

Q. Would it be equally wrong for a great corporation to go out of its way to sell its product below the cost of production for the purpose of driving another business out of existence; for instance, if the American Sugar Refining Company put sugar upon the market below the price of production for the purpose of driving out of existence an independent refinery which could not compete because it had less capital and fewer facilities?—A. Of course it looks unjust and unbusinesslike to do it. At the same time, how could you prohibit a manufacturing establishment or individual from selling the product for less than cost?

Q. Do you believe it is equally reprehensible for a company to do that with the conduct of the labor organization that says to a man who is not a union man, "You can not work here; won't you get out of the way?"—A. Yes, I do; I believe that.

Q. (By Representative BELL.) Do you believe they are both wrong?—A. I believe they are both wrong.

SALT LAKE CITY, UTAH, *August 4, 1899.*

TESTIMONY OF HON. JAMES T. HAMMOND,

Secretary of state of Utah.

The subcommission on mining met at 9 a. m., Chairman Bell presiding. Hon. James T. Hammond was sworn as a witness, and testified as follows:

Q. (By Representative BELL.) Give the stenographer your name, residence, and official position, if any.—A. James T. Hammond; Salt Lake City, Utah; secretary of the State of Utah.

Q. As secretary of state of Utah, what departments of State come under your supervision?—A. I am custodian of all laws passed, and the corporation and insurance departments are under my supervision.

Q. Is the mining inspection under your supervision?—A. No; we have a State coal-mine inspector whose duty it is to inspect the coal mines. We have no inspector of metalliferous mines.

Q. Have you a law providing for the inspection of metalliferous mines?—A. No.

Q. Do know from memory the wording of the constitutional provision permitting the passage of the 8-hour law?—A. I think I can give it. The first part of the section provides for 8 hours on all public works or undertakings on the part of the State, city, county, or any municipality—8 hours constituting a day's work; and closes with the clause that the legislature shall provide by general laws for the safety and health of employees in factories, mines, and smelters.

Q. It don't mention, then, in specific terms that it may pass an 8-hour law?—A. No.

Q. In pursuance of that you had an 8-hour law passed providing what?—A. It provides that in all underground mining and in smelters 8 hours shall constitute a day's work; and it provides that any person violating the provisions shall be guilty of a misdemeanor.

Q. That has been enforced since 1896?—A. Yes.

Q. Now, has that been passed upon and tested by the highest court in your State?—A. Yes; and also by the Supreme Court of the United States.

Q. And they held it valid?—A. They held it valid under the latter provision of the section of the constitution that I referred to, holding that the legislature can provide laws to protect the safety and health of the employees in mines and smelters.

Q. And the test was based upon the safety provision alone?—A. Yes.

Q. What is your judgment as to the beneficial working of that law?—A. Well, it gives working people less hours of work; gives them more time for recreation, to improve; it improves their intellectual and moral standing. I think it is very beneficial to the working people.

Q. How does it affect the employer of labor?—A. I don't think it is injurious to the employer.

Q. Why not?—A. I think it is pretty well demonstrated that working people will do nearly as much work where the time is shortened up a little as they will in long hours. They have more knowledge, and I understand the scale of wages is adjusted to meet any apparent loss in work.

Q. And would you say that the law is generally satisfactory?—A. Yes.

Q. To both employer and employee?—A. Yes.

Q. After a test of 3 years?—A. Yes.

Q. (By Mr. KENNEDY.) Who was it that carried the question of the constitutionality of this law into the courts?—A. It was the employers.

Q. Smelter men or mine owners, or both?—A. Smelter men. The case was known in the courts of this State as The State *v.* Holden, and in the Supreme Court of the United States it was Holden *v.* The State of Utah.

Q. Have you the record in this case?—A. The State decision, the constitutional provision, and the decision of the Supreme Court of the United States.

Q. (By Representative BELL.) Have you any other statutes under that constitutional provision?—A. We have a statute providing for the inspection of the coal mines.

Q. Has the legislature furnished you with sufficient inspectors to do that work in Utah?—A. Yes.

Q. What kind of satisfaction does that give?—A. Seems to have given general satisfaction.

Q. Anything relative to ventilation?—A. Yes; it provides that there must be sufficient ventilation, and I think the statute prescribes the number of cubic feet per minute; but I don't remember that provision.

Q. Have you a check-weighman law for coal mines?—A. Yes.

Q. And the inspector has charge of that also, has he?—A. He has general charge of it; yes.

Q. Any law regarding the employment of children?—A. Yes.

Q. And it is enforced?—A. Yes; that is, both constitutional and legislative.

Q. Have you a law relating to convict labor?—A. We have.

Q. And what are the provisions of that law?—A. The general provision is that the State can not contract convict labor.

Q. Are the mines drained at a common tunnel?—A. I don't know of any common tunnels in the State, although I am not very familiar with the details of the operations of the mining business.

Q. In your running of water you also adopt the system of rotating in Utah, do you not?—A. Yes.

Q. Do you know of any other State that rotates water?—A. I understand they do in Wyoming.

Q. Have you a law upon that subject or is it voluntary?—A. The early Territorial law provided in a general way for the forming of irrigation districts, and the later laws for the forming of corporations, and rotating is a regulation of the district or corporation that was instituted in the early days of irrigation.

Q. Do you have a superintendent of water?—A. Yes; under each canal or system of irrigation there is what is usually termed the water master, whose duty it is to allot the uses of the water to different persons entitled to use it, stating the amount of water they can take, when they take it, and how long they can use it.

Q. Is that in pursuance of a State statute?—A. I think there is no State statute providing for that regulation, but it is a custom, and is probably under the powers of the corporation or district.

Q. And it is satisfactory?—A. Very satisfactory. In fact, I don't think that any other condition or corporative system could have produced the results we have had here in irrigation.

Q. Have you ever mined any?—A. No.

Q. Do you know anything of the condition of mining?—A. Very little.

Q. Do you know the condition of the mining laws?—A. Yes; I am fairly well acquainted with the mining laws.

Q. Do you know whether they are generally satisfied with the mining laws of the State?—A. I think they are at the present time.

Q. How are the safety laws as to the miners? Are they satisfied that they are sufficient?—A. Well, there has been no agitation upon the question.

Q. That would indicate satisfaction?—A. Yes.

Q. Do you, in your official position, know of any defects in the national mining laws that you would wish to call to the attention of Congress?—A. No; I think not. I have heard some discussion, particularly on two phases of the law. One was the extra-lateral right, and the other was the permission for one person or corporation to take up so many claims.

Q. And what is the general view of mining men upon these two propositions so far as you know?—A. Well, the discussions I have heard indicate they are about evenly divided on the questions; both ways.

Q. It is generally regarded as a two-sided question?—A. Yes.

Q. Have you an individual opinion upon the subject?—A. Well, I have on the question of the number of claims that a person ought to be permitted to take; I think the number should be restricted.

Q. To how many?—A. Well, I don't know as I have any opinion as to the number, but it certainly should be restricted to some reasonable number.

Q. At the present time a man can only take 1,500 by 600 feet in this State?—A. Yes; in one claim.

Q. That would make about 20 acres?—A. Yes.

Q. It has been suggested to us that the proper thing would be to allow a man to take one claim of about 50 acres, or 1,500 feet square, which would make about 50 acres; what is your judgment of a claim of that kind?—A. Well, 50 acres would probably be a reasonable amount, but I think it should not be in the shape of a square.

Q. Well, after a man took a claim in Bingham Canyon, would you let him take another in Cottonwood?—A. Yes.

Q. You would simply bar him from taking more than one claim in one camp?—A. Yes.

Q. By which a man should be limited in his mining operations?—A. Yes.

Q. Are you familiar with the condition of organized labor in Utah?—A. Only from what I read and hear in a public way; I am not connected with any organization.

Q. Are the laborers in Utah usually organized?—A. I think the rule is that they are not.

Q. Then the labor in Utah is usually unorganized?—A. Yes.

Q. Is there any interest taken in Utah in organizing the laboring men?—A. There is some; in some trades they are organized.

Q. How about the mines; are the coal miners organized generally?—A. I think not.

Q. Metalliferous miners?—A. I think not.

Q. Do you know of any reason why they should not be organized as well as they are in the adjoining States?—A. No.

Q. Have you an arbitration law?—A. Yes.

Q. Voluntary or compulsory?—A. Voluntary.

Q. Is it generally brought into action?—A. No.

Q. You don't know how it would work?—A. No.

Q. Have you an arbitration board or has there never been a subject?—A. There has never been a subject since it was organized. It is also a board of conciliation. The law makes it the duty of the board, whenever it hears of a contemplated strike, to intercede and try to adjust the matter.

Q. Do you know whether there is a law upon your statute books regulating screens in coal mines?—A. I don't think there is.

Q. Do you know whether there is one preventing fines and penalties from being imposed upon the miners for infraction of the rules of the companies?—A. I don't think there is any such law upon our statute books.

Q. Is there any statute forbidding company stores?—A. No.

Q. Any affecting company scrip?—A. No.

Q. Do you know whether you have a scrip system in the coal mines in this State?—A. I don't think it is enforced in any part of the State.

Q. The store-order system?—A. No.

Q. Do you know whether they have company boarding houses generally in connection with the coal mines?—A. I think it is not general, from the fact that I notice about the coal camps generally the miners are living in their own houses.

Q. Well, these boarding houses only refer to single men. Are the single men required, as a general thing, to board at the company boarding houses?—A. I am not familiar with that question.

Q. Have you any Sunday law in this State?—A. Yes.

Q. What are the provisions of the statute?—A. In general it is to the effect that there shall be no unnecessary work performed on the Sabbath.

Q. And it is only where there is a great exigency and the necessity of continuous employment or some exceptional condition that the men can lawfully work on Sunday?—A. Yes.

Q. Is that law generally enforced?—A. Yes, generally. I understand the smelter and that class of work continues on the Sabbath. Generally throughout the State the Sabbath is observed.

Q. Have you a State law prohibiting the importation of foreign labor under contract from sister States?—A. No.

Q. Have you ever had anything of that kind occur, to your knowledge?—A. No. I think it has never occurred in the State, not on a large enough scale to attract attention, at any rate.

Q. Have you ever had any colored labor imported into your State?—A. No.

Q. Have you any manual training schools in Utah?—A. Yes.

Q. At what point?—A. The Agricultural College at Logan.

Q. How is that patronized?—A. It is a State college, receiving the usual aid given to those institutions. The enrollment is about 500. The manual training department is quite popular, and it is usually taxed to its full capacity.

Q. Are there any laws in your State regulating trusts and combines?—A. Yes.

Q. What are the general provisions of those laws?—A. The general provisions are to the effect that there shall be no combination for the purpose of controlling the prices of the necessaries of life.

Q. Has there been any occasion to enforce that law?—A. There was one prosecution here in the State. I forget, however, whether it was under the State law or the Federal law. It had relation to the combine of the coal dealers controlling the price of coal.

Q. Do you know the result of that suit?—A. I don't remember: I am under the

impression that the case is still pending on appeal, but I am not quite clear on that point.

Q. How long have you been secretary of state?—A. Since January, 1896.

Q. I would like to know whether the tendency, as appears from the records of your office, is toward a greater consolidation of interests or whether things are running about as they did when you took the office?—A. They are running about as they did with the exception of one industry—the smelting business. There has been an apparent consolidation there of a number of interests.

Q. That is known generally as the smelter trust?—A. Yes.

Q. And they call it the American Smelting and Refining Company?—A. I think that is the name. It reaches beyond this State.

Q. And takes in how many States; do you know?—A. I am not familiar as to that point.

Q. Most of the mining States, though, doesn't it?—A. I understand it takes in most of the mining States. It is what we call here a foreign corporation. It is not incorporated in this State.

Q. Incorporated in New Jersey, was it?—A. That is my recollection. However, they filed their articles here in order to do business in the State.

Q. Have you had an opportunity to observe the effects of that combination?—A. No.

Q. Do you know whether there are as many smelters running now as were running when these articles were filed in your office?—A. I only know what I have seen in the papers, and my recollection is not clear on that point. I am under the impression there is at least one smelter closed, but the smelter people can give you more definite information on that than I can.

Q. Have you ever studied the subject of combines?—A. Not especially.

Q. Have you any individual opinion as to the policy of a great combination like the smelter trust?—A. No.

Q. Have you looked over the topical plan of inquiry?—A. Yes.

Q. Please take the questions as presented there and respond to any of them that come within your province; anything that you feel at liberty to express an opinion upon.—A. The school is the only subject that came to my mind that you have not inquired about. We have in this State a free public-school system. It is compulsory for children between 8 and 14 years of age, and they are required to attend school at least 20 weeks in each school year. All children between 6 and 18 years have the benefit of the system and may attend the public schools without the charge of tuition. In the principal cities, in addition, they supply the necessary books and apparatus, so that it is absolutely free to all children between 6 and 18 years of age in the cities.

Q. Is that law enforced?—A. Yes.

Q. Whose duty is it to enforce the law?—A. We have a State superintendent of public instruction, and under him a State board of education, and they have the general supervision of educational matters within the State.

Q. Is it difficult to enforce that law?—A. No.

Q. The people show a willingness to send their children to school?—A. Yes.

Q. And the children of Utah are being generally educated?—A. Yes.

Q. Are all classes of children educated in the same school?—A. Yes; except that there are a few private schools within the State. There are a few denominational schools, and our State system permits the parents to exercise the discretion of sending them to any school they choose; but they must send children to school at least 20 weeks in the year.

Q. Do they generally attend the public schools?—A. Yes; I should say that at least 90 per cent of the children of the State attend the public schools.

Q. How is the efficiency of the public school, as compared with the private school?—A. I think they are fully equal, if not superior.

Q. Do you believe there is any school superior to the modern public school?—A. I don't know. The State last year, through the different avenues of collection, collected a little over $1,200,000 for school purposes within the State. That does not include the university or the agricultural college expenses.

Q. You have a State university?—A. Yes.

Q. What is your judgment as to the advantages the present generation will have, by reason of this universal education, over the past generations?—A. I think it gives the citizen a better opportunity of earning a livelihood and makes a brighter and better citizen of him.

Q. Do you not believe that the education of all of these children together will have a great influence on bringing the extremes of society together?—A. Yes.

Q. That they will understand one another better, more sympathy will be expressed,

and it will bring them nearer to a common level, socially and otherwise?—A. I think it will have that effect.

Q. (By Mr. KENNEDY.) You stated that you have laws preventing the combination of industries—industrial combination—in this State, where they had certain trades in view. Would these laws affect only such corporations as were incorporated under the laws of the State of Utah?—A. Well, I have not given that matter special consideration, but I would be of the opinion that it would affect any corporation doing business within the State.

Q. You think, then, under the present laws the State could deal with combinations incorporated under the laws of New Jersey if they came here to do business?—A. Yes.

Q. But you are not certain on that point at all?—A. No.

Q. (By Representative BELL.) They would certainly have no more privileges than local corporations?—A. No. Our constitution expressly provides that no corporation organized outside of the State shall do business in the State on more advantageous terms than the domestic corporation, and I should think that would be broad enough to cover a contingency of this kind.

Q. (By Mr. KENNEDY.) Could you reach them in case they were doing an interstate business?—A. Only in case they established a branch of the business here. If they were merely shipping to this point we could not reach them, but if they had a branch establishment in this State and were doing business here, we could reach them.

Q. How does the coal-mining industry of Utah compare with the metalliferous mining industry?—A. I have not noticed the statistics on that point, but I think there are more people employed in the coal mines than in the metalliferous mines in Utah.

Q. You have a great coal-mining industry then?—A. Yes; we have quite an industry of that kind.

Q. How does it happen that there are inspection laws for coal mines and none for the metalliferous mines?—A. I can only account for that from the fact that coal mining is more hazardous than the metalliferous.

Q. Do you know whether, when they sought this legislation, there was an attempt to make it applicable to the metalliferous mines as well as the coal mines?—A. I think there was some agitation of the question at the time. I don't recollect whether the bill as originally introduced included metalliferous mines or not; I think, however, it did not.

Q. You don't know anything about the influence that prevented the including of the metalliferous mines within the scope of the law?—A. No.

Q. You say you have a board of arbitration and conciliation. Are the members of that board salaried officers?—A. No.

Q. Paid only when they have work to do?—A. Yes.

Q. Have you any antiboycott or antiblacklist laws in the State?—A. We have an antiblacklist law. It is also a constitutional provision.

Q. Was there any blacklisting of workers in this State that called for that law and that constitutional provision?—A. There probably was some during the railroad troubles here in the nineties; it was not very extensive, however.

SALT LAKE CITY, UTAH, *August 5, 1899.*

TESTIMONY OF MR. GOMER THOMAS,

State coal-mine inspector, Utah.

At a meeting of the subcommission on mining, at Salt Lake City, Utah, August 5, 1899, Chairman Bell presiding, Mr. Gomer Thomas appeared at 10 a. m., and being duly sworn, testified as follows concerning coal-mine conditions in Utah:

Q. (By Representative BELL.) State your name and residence.—A. Gomer Thomas; residence, Salt Lake City.

Q. And official position?—A. State coal-mine inspector.

Q. What are your duties as mine inspector, under the law?—A. To inspect the coal mines of the State.

Q. When called upon, or voluntarily?—A. Voluntarily and when called upon; both.

Q. How many assistants have you?—A. None.

Q. Is one man able to perform the duties satisfactorily?—A. Yes; at the present time.

Q. To about what extent is coal mining carried on in Utah?—A. At present we are mining about 2,500 tons per day; that is the slowest time we have.

Q. Where do you find a market?—A. In Utah and on the coast.
Q. What is the quality of the Utah coal?—A. Bituminous coal.
Q. High grade?—A. No; it is not a high grade.
Q. Is there any surplus of coal in this State?—A. No; we were short last year.
Q. Do you find a ready market for all that is mined?—A. Yes.
Q. Is the coal-mining industry of Utah prosperous?—A. Yes.
Q. How long has it been in this condition?—A. It has been that way during 1897-1898.
Q. Is the production as large as could be reasonably expected?—A. It is larger at the present time.
Q. You mean it is larger than last year?—A. Yes.
Q. To what extent have you coal deposits in Utah; valuable coal deposits?—A. I could not answer that very well.
Q. Are your fields inexhaustibe or limited?—A. Inexhaustible.
Q. Are your facilities for increasing the output very large?—A. Yes.
Q. Have you other fields that are not working; valuable coal deposits?—A. We have.
Q. How long have you been producing coal in large quantities in Utah?—A. We have been producing coal over 40 years, for domestic use.
Q. Have you been here that long?—A. No.
Q. How long have you been here?—A. A little over 20 years.
Q. How does the output of the present day compare with the output of 20 years ago?—A. It is a great deal larger.
Q. It has been increasing constantly?—A. It has.
Q. And the possibilities are for a great increase in future?—A. Yes.
Q. Is that enterprise measured largely by the demand?—A. Yes; by the demand for the coal.
Q. What is your judgment as to the remunerative condition of capital invested in coal mining; do you think investors get a fair return on investment?—A. I think they get a very fair return.
Q. And that capital is satisfied?—Yes.
Q. And how do you think it compares with investment in other lines of business, such as banking, mercantile business, silver and gold mining, real-estate business, etc.?—A. I think it compares very reasonably. Coal miners generally realize their returns as quickly as gold and silver miners.
Q. Are they more certain?—A. They are more certain.
Q. How is the labor condition in the coal mines?—A. The labor is very good; we are all satisfied.
Q. Laboring men generally are satisfied?—A. Yes.
Q. Is the number as great or greater than 20 years ago?—A. It is greater.
Q. Is the number engaged in coal mining as great or greater than 5 or 6 years ago?—A. It is greater.
Q. You would say that they were increasing?—A. I would say that they are increasing yearly.
Q. How do wages compare with those of 10 years ago?—A. There is very little difference; they may be a little lower.
Q. If anything, a little lower?—A. Yes.
Q. How are the expenses of living to-day as compared with 10 years ago—and conveniences?—A. Everything is a little cheaper and more convenient.
Q. Do you think the necessaries of life are enough cheaper to enable the miner to make as great a saving of his wages as he did 10 years ago?—A. I think so.
Q. Do you think his net earnings would be about the same?—A. Yes.
Q. And as to capital, do you think its earnings are about the same as 10 years ago?—A. I think there is a little difference now.
Q. That the investor is getting a little more?—A. Not quite as much.
Q. That is caused by the lower price of coal?—Yes.
Q. Who gets the benefit of that?—A. The consumers.
Q. The consumers of coal?—A. Yes.
Q. Are the coal miners of Utah organized into what is known as labor organizations?—A. No.
Q. There is no organization?—A. No organization in Utah.
Q. Have they shown any disposition to organize?—A. No.
Q. How do you account for that? You realize that coal miners throughout the East are closely organized into the United Mine Workers of America?—A. I account for that on account of our employers and employees getting along without any trouble.
Q. You would regard it as an indication of the satisfaction of the men?—A. Yes.
Q. Have you ever had any coal miners' strikes?—A. No.
Q. And are the laws of this State favorable to coal miners?—A. Yes; very favorable.
Q. Have you any inspection laws that require the operators to thoroughly ventilate the mines to get purity of air?—A. Yes.

Q. To protect the men?—A. Yes.

Q. Have you laws that make the operators responsible should an accident occur?—A. We have laws that make the operator responsible if it is through his neglect.

Q. Have you a law that makes him responsible for the neglect of coemployees? For instance, if A is working with B, and B is negligent and through his negligence A is injured, do the laws of Utah permit A to collect of the company, or must he collect of the coemployee?—A. I believe he would collect from the company.

Q. That is known as the employers' liability law?—A. Yes.

Q. You understand that they have such a law in this State?—A. Yes.

Q. How does it work?—A. Works all right.

Q. Has it ever worked an injury to the employer?—A. No; I don't know of its working any injury; not during late years; not since the law went into force.

Q. Have you a law regulating the screens for coal?—A. No.

Q. Do the employers and the employees agree upon the kind of screens that shall be used?—A. They make an agreement that the coal shall go through a certain sized screen.

Q. Do they usually screen all coal in Utah?—A. They screen most of it.

Q. And is the coal usually produced by the day or by the ton?—A. By the ton.

Q. Do you know the average price paid for mining coal?—A. They pay from 60 to 80 cents.

Q. Is that after it is screened or before?—A. After it is screened.

Q. You have no coal mined by run-of-mine, so called, just as it comes out of the mine?—A. We have 2 mines in the State that do that, in Summit County.

Q. They mine run-of-mine—that is, it doesn't go through a screen?—A. Yes.

Q. What do they pay for that?—A. One company pays 33 cents per ton, and the other company pays 45 cents per ton.

Q. And what is coal worth at the mouth of the mine or on the dump?—A. One dollar and fifty cents per ton.

Q. What is it worth 100 miles from the mine?—A. About $4.50 or $4.75 per ton.

Q. How do you account for the great difference between the cost at the mouth of the mine and the cost 100 miles away from the mine?—A. The handling of it, the freight, etc., all has to be taken out of it.

Q. Do you know whether the freight rate of coal is very high?—A. It is rather high.

Q. Do you know of any coal mines being operated that are not operated by some one in control of the railroads?—A. Yes.

Q. How are they served? What is the rate of freight?—A. I believe the rate is something like $1.75 per ton.

Q. And do they give an individual a reasonable rate and furnish him cars whenever he calls for them?—A. Yes; there is very little complaint about that.

Q. Do you know whether the operators of these mines are also stockholders in the railroads?—A. No; they are not.

Q. How far can they haul this coal for $1.75 and $2?—A. Between 80 and 90 miles.

Q. Are your coal mines operated by men that have any interests in railroads?—A. Most of them; yes.

Q. To what extent is your mining done by individuals that pay this rate of freight?—A. Very small.

Q. Is the coal they produce of the same character as the coal produced by the railroad companies, or is it exceptional?—A. No; it is not quite as good as the railroad coal.

Q. Does it come into direct competition with the railroad coal?—A. It does for domestic use. It is not as good for steam purposes.

Q. Have you any law fixing the freight rate of railroads for coal in Utah?—A. I don't think there is.

Q. That is voluntary between railroads and coal producers?—A. Yes.

Q. Have you any check-payment laws in Utah?—A. Yes.

Q. Are they fair as between the coal miners and the operators?—A. They are. We have no cause to use them now.

Q. Have you laws preventing or regulating penalties for impure coal?—A. We have not.

Q. Has any trouble arisen between the miner and coal producer as to impure coal or mixing of slate or rock?—A. Each company has a rule of that kind, that the men have to produce good and clean coal, without slate.

Q. Suppose there is a little slate in it, is a fine or penalty imposed on the men?—A. They notify him the first time, and the second time they discharge him.

Q. They discharge him?—A. Yes.

Q. What do they do with the coal he produces?—A. Pay him for that, without slate.

Q. Do these rules create any friction?—A. No; I think not.

Q. Do your coal mines usually have what is called a company store?—A. No. We have a store that is called a company store by the people surrounding it.

Q. Is that owned by the coal operators or any of the stockholders?—A. No; it is owned by a separate corporation.
Q. Do they work together?—A. Possibly so. The company issues orders for the store, that are good.
Q. Do they issue orders to any other store?—A. No; they only issue to one store.
Q. And the men must deal with that store or wait until pay day?—A. Well, there are generally other stores in the camp.
Q. Will they issue orders to any other store?—A. No.
Q. If they get credit at all, it must be at this one store?—A. Yes.
Q. Are their prices reasonable?—A. Yes.
Q. Do you know whether they buy goods as cheaply at that store as anywhere else?—A. Yes; sometimes other places have goods just as cheap and sometimes not.
Q. Some places the prices are a little higher?—A. Yes.
Q. Do you believe if a man were permitted to take orders on any store that the trade would be satisfactory and lower prices would be given?—A. I don't know how that would work.
Q. There would be competition, then, for the trade of the men, would there not?—A. Yes.
Q. And with one company store it destroys the chance of competition?—A. Yes.
Q. Do you think that competition has a tendency to lower prices?—A. Yes.
Q. Then the men would be liable to get their goods cheaper if they could deal with any store?—A. Yes.
Q. Now, do you know whether the men are charged with a percentage to cover bookkeeping on these store orders?—A. I don't think they are.
Q. Do you know whether the company pays the mining operators a percentage for that arrangement?—A. I don't know.
Q. You know there is a custom among coal miners and these company stores, if they be separated from the company, for the company to charge the store a percentage for the trade.—A. I never heard of it in our State.
Q. Does the Colorado Coal and Iron Company operate here at all?—A. No.
Q. Its manager told us that they received 5 per cent—they do most of the coal mining in Colarado—on all goods sold by the store for the purpose of paying for keeping of the books. We find that others get down as low as one-half of 1 per cent. You don't know whether that system prevails here or not?—A. No; I never heard of it.
Q. What is the character of your store orders—something like these time checks they use in Salt Lake City?—A. They are a coupon or small check-book.
Q. Charge a man and sell him a $5 ticket, or something of that kind?—A. Yes.
Q. It represents all the denominations, such as 5 cents, 20 cents, 25 cents, etc.?—A. Yes.
Q. And the ticket is charged up to him and the expenditures made at the store?—A. Yes.
Q. You don't know whether the stockholders of the mines individually own these stores?—A. I do not.
Q. Do you know whether this meets the approval of the men, or whether there are complaints?—A. I don't think there are any complaints.
Q. Do you know whether the men are constantly employed at the coal mines 6 days or 7 days in the week?—A. Generally 6 days in the week.
Q. Do you know whether or not there is a preference given to men who make large expenditures in the stores?—A. I don't know.
Q. You don't know whether if a man fails to make an expenditure in the store of a considerable amount of his wages, he is liable to be dropped out?—A. He is not liable to be dropped out.
Q. You think that is not the custom here?—A. No.
Q. Do you know whether the man who makes a large expenditure is favored in getting a good place to work?—A. No.
Q. Cars furnished him promptly?—A. No.
Q. You don't know of that system; you know it is not worked?—A. Yes.
Q. Do you know whether the company has a boarding house or not?—A. Yes; the company has a boarding house at present.
Q. How are they operated?—A. Operated by the company. It is for the convenience of the employees.
Q. Do all the single men have to board at the company boarding house?—A. No.
Q. Can board anywhere they see fit?—A. Board anywhere they see fit.
Q. Do you know whether they give a preference to the man who boards at their boarding house?—A. They do not. It is simply for the convenience of the men.
Q. And there is no compulsion?—A. No.
Q. That is the general rule in Utah?—A. Yes; general around the coal mines.
Q. The general rule throughout the country is different. A single man usually must board at the boarding house?—A. Yes.

Q. Have you ever had any strikes in coal mines?—No.
Q. Never had a strike in Utah?—A. Nothing to call a strike; no.
Q. How do you account for your harmonious condition as compared with coal mining in the surrounding States?—A. I believe the price paid to the miners is satisfactory, and there is no chance for complaint.
Q. What is the condition of your labor—usually residents of Utah?—A. No; we have foreign labor largely.
Q. What nationalities predominate?—A. Italians, Finlanders, French—and we have Welsh, English, and Irish.
Q. Are there very many Americans engaged in coal mining?—A. Yes; we have some Americans.
Q. Have you observed the social and intellectual condition of workers in coal mines?—A. Yes.
Q. Is it as good as it was 20 years ago?—A. I believe it is better.
Q. You believe it is better?—A. Yes.
Q. You would say, then, that the moral, social, and intellectual condition of the coal miners of Utah is improving?—A. Yes.
Q. To what do you attribute that?—A. I attribute it to the fact that the workingman has more time now to study and learn than 20 years ago.
Q. How do they have more time?—A. At present we are only working 8 hours per day.
Q. How long have you been working 8 hours?—A. We have been working 8 hours since 1896.
Q. How does that affect the mine operators?—A. Well, it hurts them a little.
Q. Does it hurt him when he employs men who produce coal by the ton?—A. Hurts him in one way, for the plant that is working at the mine only works 8 hours, where it used to work 10 hours—the machinery, etc.
Q. Otherwise everything is working all right?—A. Yes.
Q. And outside of your drivers and outside men there is no increase in cost?—A. No.
Q. Do you use any machines in your coal mining here?—A. No.
Q. You haven't had any machinery?—A. No. We are about to start to use them.
Q. About to break in the machinery now?—A. Yes.
Q. About what does the coal miner earn in 8 hours?—A. The averages for last year was $2.65, net.
Q. That was the average, net?—A. Yes, last year; clear of expenses.
Q. How does that compare with other avocations, favorably?—A. Yes.
Q. Now you were speaking of the social conditions; does the coal miner usually build a home and raise a family?—A. Yes.
Q. How long have they been at this in Utah?—A. They have been at it ever since we started in our coal mines; that is, where the coal mines would be large enough to give them steady employment.
Q. About what proportion of your coal miners have families?—A. About two-thirds.
Q. What proportion own their own homes?—A. About one-third, I think.
Q. Does that act as a restriction on the men?—A. No.
Q. Well, does it not make them use less intoxicating liquors?—A. Yes.
Q. It makes them save their money?—A. Yes.
Q. It encourages them to be better citizens?—A. It does.
Q. Would that not account in a great measure for the orderly conduct among the miners in your State?—A. Yes.
Q. Do they send their children to school?—A. Yes.
Q. And are there schoolhouses around the coal mines?—A. Schools are good.
Q. Do the people generally, merchants, bankers, and men in other industries, send their children to the same school?—A. Yes.
Q. Boys are reared together?—A. Yes.
Q. No distinction is made?—A. No.
Q. Between children?—A. No.
Q. What effect does that have upon the coal miner and his progeny?—A. It has a good effect.
Q. The outlook is good for his social, intellectual, and moral condition?—A. Yes.
Q. Are these things all encouraged by the mine operators, and by the people of Utah, generally?—A. Yes.
Q. How about Sunday employment; do men work on Sunday?—A. Not unless necessary.
Q. They usually rest 1 day in 7?—A. Usually rest 1 day in 7.
Q. What effect does that have upon the men?—A. It has a good effect.
Q. You think that the men will do about as much work in the year by working 6 days a week instead of 7?—A. Yes.
Q. Your laws here, I understand, require a man to rest on the Sabbath unless there is some exceptional condition?—A. Yes.

Q. Does that law give general satisfaction?—A. It does.
Q. And is generally in force in the coal mines?—A. Yes; generally.
Q. What was your business before you accepted your official position?—A. I have been a coal miner.
Q. How long have you been coal mining?—A. A little over 40 years.
Q. Were you operating mines, or working in the mines, or both?—A. I have done both. I have been mine foreman, superintendent, and mine owner. I have operated coal mines myself.
Q. Do you own any coal mines now?—A. No.
Q. For what company, if any, were you working when appointed?—A. I was working for the Grass Creek Coal Company.
Q. And what was its production at that time?—A. Very little; it was just opened up; it was a new mine.
Q. What position did you occupy with that company?—A. I was contractor at the time.
Q. Was much of their work done by contract?—A. Yes; quite a bit.
Q. Do you know of such a thing as the sliding wage scale in Utah in coal mining?—A. No.
Q. That never has been adopted in Utah?—A. No.
Q. Have you any cooperative coal mines?—A. No.
Q. Do you know of any obstruction in the laws of the nation or the laws of Utah that would affect, detrimentally, either capital or labor engaged in coal mining?—A. I don't know of any.
Q. You would say, then, that the condition of coal mining, the system adopted, and the laws are satisfactory to the employer and employee, and the people generally?—A. Yes.
Q. Do many of your farmers engage in coal mining?—A. Yes; quite a few in the winter season.
Q. They mine in the winter and farm in the summer?—A. Yes.
Q. Winter is the time you require the most work in the coal mines?—A. Yes.
Q. Don't you think that has some influence on your harmonious condition?—A. I believe it has.
Q. You realize that in coal mining for the past 15 or 20 years there has been great strife between the operators and the men?—A. Yes.
Q. And in mines everywhere the men are closely united and they have had great strikes for higher wages. You never had that here?—A. No.
Q. But you have had perfect harmony?—A. Yes.
Q. Don't you think that the great number of home owners and permanent citizens greatly contributed to this desirable condition?—A. I do.
Q. Your men have always used conciliatory means to better their condition?—A. Yes.
Q. Has there been any disposition on the part of coal operators to cut prices for labor?—A. No.
Q. What do they pay drivers and outside men?—A. Pay the drivers $2.50 per day for 8 hours. They pay the outside men 20 cents per hour.
Q. Are you somewhat familiar with the wages of coal miners in the East from your reading and general knowledge?—A. Yes.
Q. How do the prices of coal miners in Utah compare with the prices in the East?—A. I think our prices are higher.
Q. Now, do you think of anything of interest to the public, connected with coal mining, on which I have not interrogated you? If you have a better condition in your mines than the surrounding States we would like to have the reasons so that the public may have the benefit of it.—A. Our coal mines show a really better condition since the 8-hour law came into effect. Our wages are the same as when we worked 10 hours.
Q. They didn't change this?—A. Never changed anything; simply took the 8 hours and went on at the same pay.
Q. Does the 8-hour law meet the approval of the owners of the coal mines?—A. Yes.
Q. They think the law is just?—A. Yes.
Q. Have they lost any particular amount of money by reason of this act going into effect?—A. Very little.
Q. What is your judgment of the beneficial effects of the shorter workday generally?—A. I think it is beneficial to all parties.
Q. You think 8 hours is enough for the men to work?—A. Yes.
Q. What is your judgment as to the amount of work they will do in 8 hours as compared with 12 hours under ordinary conditions?—A. I think when a miner knows he is going to work 8 hours, the difference is very small.
Q. That he makes an 8-hour stroke?—A. Yes; he makes an effort to do so much work in 8 hours, and does it in that time.
Q. And if he is to work 12 hours he makes a stroke that will hold out 12 hours?—A. That is my understanding; yes.

Q. Something like a man who is going to take a long journey. He starts out very slowly. But if he goes to take a short trip he hurries it through?—A. Yes.

Q. What is your judgment as to adopting the 8-hour law generally in manufacturing and other vocations in the country?—A. I believe it would be a benefit to the community at large.

Q. (By Mr. KENNEDY.) Would you be in favor of adopting the 8-hour law for working on newspapers?—A. I believe it would work just as good in that line as in any other place.

Q. You say a miner gets 60 cents per ton for mining coal?—A. Probably 2 or 3 mines pay that under the Pleasant Valley Coal Company. Some pay 35 to 45 cents for run-of-mine.

Q. Some pay less than that?—A. No; I think that is the least paid.

Q. That is the minimum?—A. That is the minimum. We get as high as 85 cents.

Q. How many tons of coal will a miner work out in 8 hours?—A. He will work out between 4 and 5 tons.

Q. If he gets out 5 tons at 60 cents he is making $3 then?—A. Yes; but there is the powder and other expenses to come out.

Q. What is the expense for powder?—A. I don't know exactly what it would be now.

Q. What other expenses?—A. Powder and oil and tools.

Q. You say that they pay the same wages now as before the 8-hour law was adopted? There is no credit to the employers for that because they pay by the ton as before?—A. Yes; and if a man makes as much wages in 8 hours as he did in 10 hours he has more time to himself and there is nothing coming out of the operator's pocket.

Q. (By Representative BELL.) There is a difference between the drivers and outside men?—A. No difference between the drivers; they got $2.50 under the 10-hour law and they get $2.50 now. There is a difference in the outside men. They get 20 cents an hour. If they work 8 hours they get 2 hours less pay than before, but they generally work a little over, cleaning up, etc.

Q. (By Mr. KENNEDY.) Do you believe the drivers and outside workers should get as much now as they did under the 10-hour system?—A. Yes.

Q. Have they to handle the increased output per hour for the miners?—A. Yes.

Q. Is there any inspector of metalliferous mines in Utah?—A. No.

Q. By State authority?—A. No.

Q. Do you believe that there is as much necessity for an inspector of the metalliferous mines as there is for the coal mines?—A. I do.

Q. You think the timbering and ventilation of these mines should be inspected regularly by State authority?—A. Yes.

Q. There are many more metalliferous mines than coal mines in this State, are there not?—A. Yes, a much larger number of them.

Q. How do the number of employees in the metalliferous mines compare with those in coal mines?—A. I think there are more metalliferous employees.

Q. About the same number?—A. Yes, about the same number.

Q. How is it that there is no inspector for the metalliferous mines?—A. I can not say.

Q. There is no law on the subject?—A. There is no law on the subject.

Q. Is that an oversight on the part of the State?—A. No, it is not an oversight; it has been tried several times in the legislature, but defeated.

Q. Do you know what influence defeated the adoption of an inspection law for metalliferous mines?—A. I believe it was on account of more mine owners in the house than representatives of the employees. I believe that was largely the cause.

Q. You think the mine owners prevented the adoption of inspection laws for metalliferous mines?—A. I think they do.

Q. If the workers in metalliferous mines were to organize and were to demand such a law from the legislature, do you believe they would succeed in having it adopted?—A. I believe they would.

Q. You think organization would be a good thing in metalliferous mines if they could accomplish an object of that kind?—A. It would be good in that respect.

Q. Are you ever called upon by the men in the coal mines to come and inspect certain conditions of which they complain?—A. I have not been so far.

Q. Have you ever been called in by the operators?—A. I have, in the gilsonite mine. I have not been in the coal mines.

Q. What was the object of their call?—A. They called me to make an examination of their mines. They wanted to change their leases, and wanted me to say what was necessary to make it safe before they could enter upon a new lease.

Q. Did you find some things necessary before that could be done?—A. Yes, I found the mines needed timbering to make them safe for an employee.

Q. They had been working them in that unsafe condition?—A. Yes.

Q. And it was for their own interests instead of the interests of the men that they called you in to inspect the mines?—A. Practically, yes.

Q. Do you believe if the miners in the coal mines were organized and felt a little more independent that they would call upon you occasionally to inspect the condition of the mines?—A. No, I don't, because our coal mines are in a good condition.

Q. Do the men who work in the coal mines have anything to say about what their wages shall be, or do the proprietors fix the wages?—A. They have a say so.

Q. The miners have something to say about it?—A. Yes.

Q. How do they make their wishes in the matter known?—A. They generally send a representative. We have a case of that kind here this week, where the miners with one company were only getting $5.50 per yard for driving winzes. They were making pretty fair wages, but they thought it would not pay for the future, and they asked the operators if they could not give them 50 cents more, and the operators told them to go ahead and work for this month, and that they would give them 50 cents at the first of the next month. That was in the Clear Creek mines.

Q. Did you say the miners were paid so much per ton for screen coal?—A. Yes.

Q. And so much for unscreened coal?—A. No; they just get so much for screened; they don't get anything for the unscreened.

Q. (By Representative BELL.) You mean by that they get their pay after the coal is screened?—A. I will tell you about that. They figure that one-third of the coal goes to waste, and the miner gets his price for the clean coal that goes over the screen.

Q. How is it about the coal mined by run-of-mine, that you spoke of?—A. Thirty-five to 45 cents per ton is paid the miner.

Q. On run-of-mine they take a third out of every ton?—A. No.

Q. (By Mr. KENNEDY.) What use is made of this coal that does not go over the screens?—A. The company sells it for locomotive use.

Q. And they pay the miner nothing for it?—A. Yes; 35 to 45 cents per ton.

Q. That is simply the slack which does not go over the screens?—A. No; there is small coal, a nut coal.

Q. You say that it is calculated that a third of every ton that is sent out by the miner is slack?—A. Supposed to be slack.

Q. From your own observation do you find that is true?—A. I believe it is in our coal, pretty nearly. Our coal is undoubtedly a little soft throughout the State—of a soft nature that gives considerable slack.

Q. Speaking about the company stores, can a miner get credit at any other than the company stores in the coal-mining camp?—A. Yes.

Q. Do they frequently get such credit?—A. Yes; they get credit. All of our camps have several stores. There is but one camp that has only one store in the State.

Q. If he should take all his earnings in cash from the company do you believe he would not be prejudiced in his employment?—A. I don't think there would be any prejudice at all.

Q. Can they readily get credit in the other stores in the coal-mining districts?—A. Yes.

Q. What, then, is the object of tying them down to the company stores if they can get credit away from the company stores for which the proprietors will be responsible?—A. They are not tied down; they have the privilege of trading where they like.

Q. Can you see the utility of this system, if he can readily get credit in any store in the camp, on his own responsibility?—A. There is no necessity for the company mine being responsible for them.

Q. In their own store?—A. I don't see the necessity for it.

Q. You are sure there is no compulsion upon the miners to patronize this one store on which the company gives checks?—A. I am sure of that. Some of the miners trade in Salt Lake away from the mines. They are allowed to trade just where they see fit.

Q. You are sure there is perfect harmony between the operators and the employees in Utah?—A. Yes.

Q. Do you think there would be equal harmony if the men were organized into a miners' union?—A. I don't know; I hardly think it at present.

Q. Has it been your observation that there is more harmony in industries where there is perfect organization of the workers than there is where they are unorganized?—A. No.

Q. You know that the printers who work on the daily papers in Salt Lake City are thoroughly organized?—A. Yes.

Q. Is there perfect harmony between them and their employers so far as you know?—A. I believe there is.

Q. Do you make a report to the legislature?—A. Yes; once a year. I make a report to the governor once a year and that goes to the legislature.

Q. Would it be in your province at all to suggest to the legislature the necessity of inspection laws that would apply to the metalliferous mines?—A. Yes.

Q. Have you ever made such a suggestion to the legislature?—A. No; I don't believe I have; not direct.

Q. Have the governors of Utah ever recommended it in their messages to the legislature?—A. I don't recollect of seeing anything of that kind.

Q. I believe you stated it as your belief that the absence of such laws was due largely to the opposition of the mine owners of the State?—A. Yes.

Q. The silver and gold mine owners, the matalliferous mine owners?—A. Yes.

SALT LAKE CITY, UTAH, *August 5, 1899.*

TESTIMONY OF MR. C. A. CALLIS,

Formerly coal miner, now county attorney, Summit County, Utah.

The subcommission on mining convened at 2 p. m. at Salt Lake City, Utah, August 5, 1899, Chairman Bell presiding. Mr. C. A. Callis was sworn and testified concerning the mining industry in Utah as follows:

Q. (By Representative BELL.) What is your business?—A. I am at present filling the position of county attorney for Summit County. My residence is at Coalville, Summit County, Utah.

Q. How long have you been living in Utah?—A. Twenty years.

Q. Have you ever had any experience as a coal miner?—A. As a miner taking out coal I have had a little; I have been employed about the mines in various capacities for the past 15 or 16 years.

Q. State some of the capacities in which you have been engaged?—A. Dri er, loading the coal, helping the men, fireman at the mines—that is, firing the steam boilers—pump tender, and the last position I filled was running the hoisting engines.

Q. When did you quit the actual work in and about the coal mines of Utah?—A. Nine months ago.

Q. That was when you were elected to your present position?—A. Yes.

Q. Do you perform the duties of district attorney or prosecuting attorney?—A. The county attorney is the prosecuting attorney for that county.

Q. How does the condition of capital engaged in coal mining compare to-day with the time when you first began to mine in Utah; that is, whether as safe now, and the earnings as large on the investment?—A. Capital, I think, is safer than when I first started to work about the mines, but on account of a fierce competition the profits realized are not so much. The tendency in all of this Western region has been toward that for some years and the price of coal has been falling.

Q. On account of the large coal fields recently discovered in the West, and new developments?—A. Yes, sir.

Q. How does the condition of labor to-day compare with the condition of labor during the history of your experience?—A. The wages of the miners are not so large as they were 20 years ago or 10 years ago, on account, as I have said, of the fierce competition. The miners mining by the ton don't get as much per ton as they did then.

Q. How are the opportunities to produce tonnage to-day compared with 20 years ago?—A. I think the opportunities are greater on account of the improved tools, etc.

Q. How do the prices of the necessaries of life for the miner, including powder, tools, etc., compare with 20 years ago?—A. They are lower than they were 20 years ago; but the same prices for tools, powder, etc., do not obtain in all camps alike.

Q. Taking into account his better facilities for production, lower prices for the necessaries of life, how does his earning capacity and saving capacity compare with 20 years ago?—A. It compares very favorably in proportion to the wages he receives.

Q. You think he can save as much now as then out of his wages?—A. No; I said in proportion to the wages he earns.

Q. Then his power to save, notwithstanding the many things that inure to his benefit, is not as great?—A. I think the miner can not save as much as he could 15 years ago.

Q. What do you think of the capitalist; has his power to earn on the investment lowered in proportion?—A. Yes; I should say so.

Q. Who gets the benefit?—A. The consumer and railroads.

Q. What is your judgment about the rate for carrying coal on railroads?—A. My judgment is that a more uniform rate should be established. The present rates are in many instances acting as hardships upon the smaller mine owners.

Q. Do you know whether the mines of Utah are generally owned by a railroad or some combination having an intimate connection or relationship with a railroad?—A. The most powerful and formidable coal companies in the State are railway companies; that is, the mines are owned by the railroad companies, and closely associated with them.

Q. Do you know how they treat an independent mine owner in awarding to him facilities for shipping coal?—A. There have been many complaints in the past on account of the hardships suffered by the small mine owners, due to the excessive rates they had to pay. They complained that the large companies were offered better facilities and lower rates for transportation. There has been considerable difficulty experienced in that direction in late years. The railroad company has manifested a disposition, however, lately to give them all the cars they can.

Q. Then you would say that the condition of the independent miner is improving?—A. Slightly; yes.

Q. Do you know whether the railroad companies encourage the developing of independent mines?—A. It has been charged that they have not.

Q. What is your judgment of the justice of that charge?—A. I think the charge is not altogether founded on justice. I think they have manifested a disposition to encourage the development of coal mines.

Q. You say the freight charge on coal is a little excessive?—A. Yes; where they manifested a disposition to discriminate against the individual mine owners.

Q. How is the price of coal in Utah?—A. I am not acquainted with the rates charged except in the mine where I have been employed; but taking the prices of coal at the mouth of the tunnel and at the distributing point, the transportation charge measures the greater part of the cost; at least, I think that is so.

Q. How is coal as a convenient commodity for transportation?—A. There is considerable expense in handling coal to protect it from the inclemency of the weather.

Q. Your coal is liable to slack?—A. Yes; slacks in the sun and in the storms.

Q. And you can not store great quantities, but must leave it in the mines?—A. We have to leave it in the mines and furnish it as needed.

Q. Does that increase the cost of production?—A. Yes; because if you could keep the mines running you could run them at less expense. This continual shutting down throws out a certain class and number of men there all the time, and requires just so much to keep the mines in necessary repair.

Q. How does the social and intellectual condition of the mine workers of to-day compare with 10 years ago?—A. In my judgment, it is very much better, on a much higher scale than 10 or 15 years ago.

Q. To what do you attribute this desirable improvement?—A. One thing largely responsible for this is the 8-hour law. It has given our miners more chance and more time to study and to inform themselves on the current topics and events of the day. Then there is more literature in the country to-day than 15 or 20 years ago; more newspapers, which, I should say, are great educators.

Q. Are the coal miners inclined to read and study the public questions of the day?—A. Yes; the coal miners are very well informed upon the topics of the day, politically and otherwise.

Q. Do you regard the increased intelligence as a great benefit not only to the laborer, but to the employer and the community as well?—A. Most assuredly; yes.

Q. And how are the miners as to establishing homes and families to-day as compared with the past?—A. The disposition to settle down and to have homes of their own is stronger to-day than it has been before in my experience.

Q. What does that indicate?—A. It indicates a disposition on the part of the miners and a desire to become interested in the country and to become good and permanent citizens—to lead straight, steady, honest, and industrious lives.

Q. How does it affect them in saving their earnings?—A. The married man who is sober, industrious, and steady makes a better employee, gives more faithful service; he is necessarily more economical than the man who has no one to care for but himself.

Q. If a man has the restraints of a family and the obligations of a home, how does it affect his tendency to sobriety?—A. It has a tendency to make him more sober. I don't wish you to infer from that that the single men are not sober. They have a very fine class of men in our mine. The miners are not inclined to waste their money. They have been sober, steady, industrious, and economical in our mine.

Q. You say they are increasing in these desirable features?—A. Yes.

Q. How do they entertain themselves now, away from the saloons; have you libraries and reading rooms?—A. That is one of the failings of the social system. In Park City they have a library, but that is the only town in our county which has a library to which the miners have access. The men in our town have to furnish themselves with reading matter. As I said before, there are more newspapers coming to our county than 15 or 20 years ago, and newspapers are, in my estimation, great educators.

Q. Where do they usually board?—A. In my district there are no company boarding houses. For the most part the men are married or live with their relatives.

Q. That is a restraining influence also over the man who boards at the ordinary boarding house?—A. Certainly. He is expected to conduct himself in accordance with the rules of the house.

Q. And he usually does that?—A. Yes. I may say from my official experience in the office of prosecuting attorney for Summit County that there is very little crime there.

Q. How are your laws in Utah? Are they favorable or unfavorable to the mine worker?—A. The laws of Utah generally, I think, are favorable. There have been laws passed recently that have been of great benefit to the miner. With your permission I will state I was in the legislature 2 years ago. I succeeded in passing a bill for the compulsory weighing of coal at the mines. This law gave great satisfaction, for it enabled the miner to see his product weighed when it was produced. Although, before that, there were many mines in Utah where they weighed their coal voluntarily.

Q. Have you any law as to company stores or store orders?—A. I think there is no such law on the statute books.

Q. You are familiar with the ordinary company store and store-order system?—A. Yes.

Q. Do you know whether it has been abused in this State?—A. I don't know. I have never had any experience in that way, never having worked for a company that had any stores.

Q. Would you say that the laws of Utah generally are favorable or unfavorable to the miner?—A. Well, I would say that all the legislation we want, with one or two exceptions, or that is necessary for the protection of miners, is on the statute books now.

Q. And enforced?—A. Yes; though many of them are susceptible of more strict and rigid enforcement.

Q. How is it about the customs of your mine operators, are they willing to give the miner something to say about the restrictions that shall be put upon him? Are they conciliatory?—A. Yes; the relations between the mine owner and the miners are very cordial.

Q. Do they discuss matters in a conciliatory manner whenever a question arises?—A. Yes; from my observation that is the case; the employers consult with the men.

Q. And they have usually acceded these little matters?—A. No; not all the time. Sometimes it has resulted in a compromise and at other times the men have had their own way, and at still other times the employers have had their own way.

Q. How do you account for the fact that in Utah the coal miners never had a strike?—A. We have had a coal miners' strike. In Coalville there have been two strikes in the last 20 years, but on account of the small number of men employed I presume it did not attract widespread attention.

Q. What led to the strikes?—A. The first strike occurred, I think, about 8 or 10 years ago. An employee disregarded the instructions of his employer and he was discharged. The men objected to this on the ground that this man was picked out to be made a victim of the employer. This was the contention of the men, but the employer insisted on his right to discharge a man, and the men went on a strike. That strike lasted 2 or 3 weeks, and finally the men returned, but the discharged employee was not reinstated.

Q. Did the men investigate to see whether or not the employer was justified?—A. There was a thorough investigation on both sides, and third parties came in and endeavored to conciliate the masters and the men, with pretty good results.

Q. Then the employers resorted to the conciliatory method?—A. They expressed themselves at all times willing to arbitrate the matter and submit it to the judgment of third parties.

Q. What led up to the other strike?—A. I am not familiar with that strike. It occurred while I was on a mission for the Mormon Church, and was in Europe then. I read about it in the newspapers, but I would not feel safe in stating what the cause was. These strikes occurred in Coalville.

Q. Then I understand from you that these little petty conditions of requiring men to board at the company boarding house, to purchase goods at the company store, to hire company doctors, or to go to company hospitals, and things of that kind, are not forced upon the men in Utah?—A. I could not say that.

Q. At least they have never been the cause of a strike; never resulted in the men striking?—A. I can not say how much agitation has been caused by these conditions, or whether the companies have actually forced the men to submit to these conditions. The men in Coalville pay $1 per month for doctor dues.

Q. Have they a voice in choosing the doctor?—A. There is but one doctor in Coalville.

Q. Is there any objection?—A. No; there is no objection; they think that is for their benefit.

Q. Do they have any voice in choosing a hospital?—A. Now, that would apply to the silver mines at Park City, and I don't know about that.

Q. You have no hospital in Coalville?—A. No.

Q. Do you know of men being required to board at company boarding houses?—A. No. I think where there are company boarding houses and the men go there to

work they take it as a matter of course that they are expected to board at the company boarding house.

Q. Do they realize that if they don't board there when the force becomes a little too large they are liable to be the first ones laid off?—A. I could not answer as to that.

Q. What would be your judgment?—A. Well, it would be difficult to reach a conclusion. I do not think they would be justified in doing it. I would not like to cast aspersions upon the methods of any employer.

Q. Well, it would be somewhat liable to intimidate the men, would it not?—A. You know what human nature is.

Q. He would have a little fear that it might be possible?—A. Yes; there is an influence that is generally invisible, which they very often yield to.

Q. Have you read the history of the strikes in the coal, gold, and silver mines in the United States?—A. No; I had a sorrowful experience in England when I was there. I saw 400,000 men out on a strike in Great Britain.

Q. What led up to that strike?—A. Reduction of wages.

Q. Have you ever had any particular reduction of wages in Utah?—A. Gradually, as the price of coal has fallen, the prices paid per ton for mining the coal have been reduced.

Q. In other words, it has been a sort of sliding wage scale?—A. Yes.

Q. The benefit has gone to the purchaser?—A. Yes, naturally.

Q. What would you say about the coal-mining industry in Utah; is it prosperous?—A. Yes; I would say that to-day it is more prosperous than it has been for 6 or 7 years.

Q. What would you say of the condition of the men?—A. The condition of the men is more favorable to-day than it has been for the past 4 or 5 years. We have had very hard times in this State for a few years, but now the condition of the working class is vastly improving.

Q. What would you say of the condition of the coal miner in this State as compared with other coal-mining States?—A. I would say that the condition of the coal miners in this State is better than the condition of coal miners in Eastern States; perhaps not so good as the condition of the coal miner in Wyoming.

Q. How is it as compared with Colorado?—A. I am not prepared to say. I have not read sufficiently of the coal mining in Colorado.

Q. Have you, from your experience as a miner and as a law officer, any suggestions to make as to remedial legislation for the benefit either of the mine owner or employee?—A. We are a very conciliatory people in this State and we don't desire legislation that will inflict any hardship upon the employee; we believe all questions between the employer and employee should be arbitrated; I think, though, there are several improvements that would perhaps inure to the benefit of the workingman, such as paying twice a month instead of once a month.

Q. Tell us why.—A. When the miner has to wait from 30 to 50 days for his pay, he has to run on the credit system; that is, get credit from the stores. Now, I know the man who buys things on credit can not do as well as when he pays cash and can go where he chooses. That is the main reason.

Q. For men who are without means to have to wait so long after the beginning of the first month for their pay works a hardship, does it not?—A. They would be able, of course, to get credit; but with the credit system in vogue he can not do as well as if he were paid oftener and could pay cash for what he needs.

Q. How would it affect the mine owner, where he has a large force, in making up accounts?—A. It would be more expensive, and I should say right now that perhaps the condition of the business is not such as to justify the employer in incurring that expenditure.

Q. But if it could be done, and the men could be paid oftener, you think it would be of great benefit to the miners?—A. Yes.

Q. And that would be the great objection, the making up of the pay roll?—A. I don't think so. I think perhaps the time of payment has been in effect so long that it might perhaps cause considerable embarrassment for the employers.

Q. Do you think it could be systematized until it would not be any great hardship?—A. Yes. I noted down one or two points of remedial legislation.

Q. How about the mine inspection laws?—A. We have a very excellent coal-mine inspector and the laws are favorable.

Q. Is that the present inspector?—A. Mr. Thomas, yes; I am personally acquainted with him. But the miners should have a little more protection, I think, as regards ventilation. The laws are very excellent, but I think they are susceptible of a more strict enforcement in some matters.

Q. Do you think one inspector is sufficient for the great number of coal mines in Utah?—A. I do; at the present time.

Q. Do you think better ventilation could be readily accomplished?—A. Well, not very readily. I believe the mine inspector is doing all that he can, but there are so many mines in the State only recently developed that to require them to live up to

the law would be to put them to a good deal of expense; but I think there should be better ventilation in some of the most active mines.

Q. Are the tendencies for better ventilation as the mines get older?—A. Yes. Mr. Thomas has improved the ventilation of the mines very much since he came into office.

Q. He is generally satisfactory to the miners and employers, is he?—A. Yes; they have no complaint to make and all look upon him as a very good officer, and he is satisfactory alike to the owner and employee so far as I can learn.

Q. Just look at this topical plan of inquiry and answer any of these questions that you may feel disposed to answer.—A. The laws regulating mediation and arbitration, I think, should be much improved; I think many of the strikes could be avoided by proper mediation and arbitration by the proper officials.

Q. Have you an arbitration law?—A. I think we have; yes.

Q. Has it ever been put in force?—A. I think it was once put in force in some difficulty over some public works 2 or 3 years ago. I have never heard of its being put in force in any difficulty among the coal miners.

Q. Has there been any occasion?—A. I think there has been; yes.

Q. You think there have been times when it would have been well?—A. Yes.

Q. Why do not the coal miners apply to the arbitration laws?—A. I suppose because they have had no application of it.

Q. (By Mr. KENNEDY.) You are referring to the times of your strikes?—A. I think arbitration would have been good then.

Q. When were these strikes?—A. One was about 10 years ago and one was 5 years ago.

Q. Did you have such arbitration laws then?—A. I don't think so. Legislation regarding coal mining has been very recent in this State.

Q. (By Representative BELL.) Have your miners and laborers usually a fair representation in the legislature of the State?—A. In these last two legislatures they have had a very fair representation, and their interests have been regarded very closely and wisely by their representatives.

Q. You say the tendency to protect labor has also improved in Utah?—A. Yes.

Q. What effect has it on the minds of the people?—A. Very beneficial effect. Our present governor is everywhere regarded as very liberal minded, and, in fact, I know he has always been willing to attach his signature to any bills passed by the legislature for the benefit of the workingman.

Q. How do you account for the fact that you have no miners' unions in Utah?—A. As I have said before, we are a conciliatory people, and the relations that have existed between employers and employee have been very friendly.

Q. Both sides have joined in an effort for the use of conciliatory means, have they?—A. Yes; for the settlement of disputes.

There is a suggestion here I would like to make—we have discussed it—about public reading rooms; I think they are very necessary and do a power of good in the community. And I would suggest a permanent board of arbitration.

Q. What do you think about compulsory arbitration?—A. In some cases it would be good and in some cases it would not. I think we will gradually come to that.

Q. That would be really fixing conditions by law?—A. Yes. I think it is not desirable at the present time.

Q. Do you think it is capable of enforcement?—A. I do; yes.

Q. You spoke of a controversy between the employers and the coal miners over the question of wages. If the men say they must have 10 cents increase per ton and the mine owner says that a 10-cent increase per ton will make the product cost more than it brings, and consequently he would have to shut the mine down; how would you do in that case?—A. I think a committee should be appointed to arbitrate. They should be experienced, broad-minded men; men experienced in the various phases of business in the State; and I think it could be worked out all right. For instance, in the strike in England I spoke about the matter was submitted. The employers said they could not pay the wage demanded and the men insisted that they could, and it is said the men were out 16 weeks straight.

Q. Suppose the mine owner had shut down?—A. Then they would have inflicted a great injury on the working people.

Q. Would there have been any legal means of forcing them to work their property?—A. Not unless you took it on the Populist idea of having the Government work the mines.

Q. Suppose you had brought in your arbitration law and asked the court to appoint a receiver to see if the court and the people could not work it at a profit?—A. Well, I think it would be a good thing; it would only be compulsory arbitration.

Q. Suppose he decided against the men and they said they would not work for that price?—A. The only thing would be to close down the mine.

Q. Then you could not enforce your arbitration. I suppose you might make a provision that the men must take that or get away from the premises?—A. No; I

would not say that. Therein lies the difficulty of compulsory arbitration. The conditions prevailing in this country are not ripe for that, but I think it will ultimately reach the condition of arbitration by law. I believe the Government ownership of railroads and telegraph service will also be established.

Q. What have you to say of the influence of organized labor on wages?—A. I think it has done more than all of the economic measures passed by the Congress of the United States to keep up wages.

Q. (By Mr. KENNEDY.) What has it had to do with wages in Utah?—A. Not so much, but in some cases it has been effectual.

Q. (By Representative BELL.) You are very new in Utah?—A. Yes.

Q. Has it not been your experience that where a country first begins the conditions between labor and capital are always much better than when it gets older, on account of the supply and demand?—A. On account of the fierce competition in the rates of wages of the men. My views of organized labor are that miners' unions and organized labor has a tendency to keep up the wages of the men and insure them good treatment and the respect that is due them.

Q. In other words, each miner is in the nature of a keeper of the interest of his brother miner?—A. Yes; in unity there is strength.

Q. And they strike as a body instead of as individuals?—A. Yes.

Q. And don't destroy one another by competition?—A. No; there is a community of interest.

Q. You see the miners' union of the great East, the United Mine Workers, and the advantages they get, and the knowledge of your operators that if they don't treat the miner fairly they must meet the same thing, has had some influence over them?—A. No, not necessarily, because these organizations don't extend to us.

Q. Do you suppose that the mine operators don't take notice of what the United Mine Workers of the great Eastern States are doing?—A. Yes, I do; but I don't think there are the same effects or the same results because we are not a part of them; that is all.

Q. Don't they recognize that should they not treat you as well as the Eastern miner is treated you will demand it?—A. I presume they have that feeling.

Q. And do not the miners' wages there have an influence all over the United States?—A. Not so much as would be supposed. In new countries wages are generally higher than in the older settled countries. In speaking of the benefit of the miners' unions to the miners, the benefits and powers are often weakened by the bad advice of leaders who are not conscientious. I don't think the leaders of these miners' unions are always conscientious men, they don't always give good counsel to the men. I have always supported that contention. I think the employers have rights as well as the employees. But generally the labor leaders are sagacious, wise men and encourage the settlement of labor disputes by peaceful means.

Q. You are in favor of miners' unions if they adopt conciliatory methods and don't resort to violence?—A. Yes.

Q. In other words, an army of 10,000 men will receive more respect than one man from an adversary?—A. Yes.

Q. What influence does organized labor wield in the way of education?—A. It has a great influence because they have frequent meetings. I never was a member of organized labor myself, never having lived in a district where they had labor organizations, but from what I have heard of it they receive counsel from straight, sober, honest, industrious and faithful leaders, and such conduct can not fail to produce a beneficial effect.

Q. Visiting the meeting and taking part in discussions and having an opportunity to express their views is beneficial by giving them confidence?—A. A very great benefit.

Q. Also teaches them that their abilities call for better places generally?—A. Yes.

Q. What effect does it have on the employer for him to have a great army of that kind represented by a committee to meet with him face to face and discuss the problems arising?—A. The employer feels as his men become better educated that they will be more reasonable; as they become better acquainted with the uncertainties of trade, the rise and fall of prices for silver and other metals, they will be more reasonable and be willing to work for a wage satisfactory to the employers as well as to themselves.

Q. Don't they often see injustice they can not otherwise see and that the men know well themselves?—A. Yes. Usually the labor organizations communicate with the mine owners through 1, 2, or 3 persons; and these persons, so far as I know, are cordially received by the employers.

Q. (By Mr. KENNEDY.) You are in favor of labor organizations, are you?—A. Yes.

Q. I judge also you are a member of the Mormon Church?—A. Yes; I am a member of the Mormon Church.

Q. Can you say whether the Mormon Church teaches that labor organizations are dangerous?—A. I have never heard such teachings from the pulpit. I occupy the pulpit myself very often and I have never received instructions from my superior

officers to promulgate that doctrine. On the one hand, many of our people are members of labor organizations, Knights of Pythias, Ancient Order United Workmen, and other labor unions. On the other hand, I can not say that the Mormon Church teaches its members to join them; I think it preserves a strictly neutral attitude. I may say that the tendency of the Mormon Church is to teach and encourage conciliation and arbitration; in fact, many of our elders have many times lent their services to bring about a conciliation of these labor difficulties.

Q. I am glad to have that testimony from you. I have been informed on the outside, not before the commission, that one of the greatest curses of the organizations of labor in this State was the antagonism of the church to the organizations.—A. I have never seen or heard the antagonism of the church expressed. As I have said before, it does not encourage its people to join labor organizations, but it teaches them to use conciliatory methods. Now, in Park City there are not many Mormons working in the mines; perhaps 20 out of that vast number there would indicate the strength of the Mormons in the ranks of the working people there.

Q. (By Representative BELL.) Have you anything else you would like to suggest?—A. I don't know that I have anything else except to renew my advocacy of the 8-hour law. It has been a great benefit to the miners.

Q And there is no particular effect on the employer?—A. No. They have not expressed dissatisfaction so far as I know.

Q. Is it not a great benefit to the race?—A. Yes; to the race. That is very well expressed. They have more time to themselves, more time with their families, and to improve their minds.

Q. Also keeps up their muscular and physical condition?—A. Yes.

Q. Have you anything further? If so, we would be very glad to hear it.—A. I have nothing further to say that I know of, except to say that the miners are very well pleased at the appointment of this industrial commission; they feel that their interests are being looked after and that the Government has evinced a desire to learn of the industrial condition of the miners in the West.

Q. (By Mr. KENNEDY.) You have evidently had a large experience in this State. You say you were in the legislature. I would like to ask you why there is no inspection system for the metalliferous mines in this State?—A. When I was in the legislature there was a bill introduced. I was chairman of the mines and mining committee, and we held frequent conferences. We requested the mine owners of the State to appear before us and express their views, and the preponderance of feeling at that time seemed to be that the measure was ill advised and a little premature.

Q. A feeling on the part of the operators?—A. Yes, and on the part of many of the miners. The difficulties, so far as I could learn, were these: The larger mines are very well ventilated; it is only the smaller mines that need ventilation and these are usually mines worked by prospectors and only the beginnings of other Ontarios and other Silver Kings.

Q. (By Representative BELL.) In other words, the beginning of great mines?—A. Yes.

Q. (By Mr. KENNEDY.) If the great mines are well guarded in that way, could there have been any objection on the part of operators to have an inspection law enacted?—A. Many of the mine operators expressed their fears that this law would be used as a cloak for mining men to get down in the silver mines and learn their actual condition in order to make money on the stocks.

Q. Do you think that was a well-grounded fear or a subterfuge?—A. Well, I can not say. I can simply say that was the preponderance of feeling.

Q. You had an opinion on the subject yourself as chairman?—A. Yes; I had an opinion. I think it was not grounded on reason. We gave them the fullest liberty to speak on the subject and the bill was defeated by a majority of 20. I remember I spoke against it myself because I felt that the bill was not the proper kind. It would not have remedied the evil for which it was intended, although we certainly need a law providing for the proper ventilation of mines. It is just as necessary for the silver mines to be provided with proper means of ventilation as it is for the coal mines, and the silver miners are entitled to the benefits of such a law.

Q. You think, then, the State is neglecting the interests of the metalliferous miners?—A. I would not like to say that.

Q. That is the conclusion that would be reached from your statement.—A. I think I said the silver mines are entitled to the benefits of the law, but that the preponderance of feeling was that the measure was ill advised and premature and I thought then it was not just the kind of a measure to reach the fault it was intended to cure.

Q. Do you hope for the enactment of some such a law in the future?—A. I certainly do. I think the silver miners should be protected.

Q. You have been in the coal mining business in Utah about 20 years?—A. About 15 years.

Q. What were the wages paid 15 years ago?—A. Well, that is a very difficult question to answer, for the simple reason that the miners get paid by the ton. In some of the mines now they get paid by the ton and in others they get paid by the day.

Q. Is there much difference between wages now and 15 years ago?—A. There is considerable difference, so the miners think.

Q. You know something about the difference in the work you followed around the mines?—A. Yes; the coal-mine owners got a better price for their coal in Salt Lake City and other distributing points 15 years ago than they get now and they could pay their miners more then per ton. The price has fallen. At one of the mines there we sell our coal right on the cars for $2 per ton, and it costs about $1.25 per ton to mine that coal and put it through the screens and into the railroad cars, which leaves a margin of only 75 cents per ton.

Q. That is a very good margin, is it not?—A. Then they must pay other incidental expenses not counted in; that leaves a small margin.

Q. How does the cost of living compare with 20 years ago?—A. It is much lower.

Q. Do you think the cost of living has kept pace with the decrease in wages? -A. No; I should say not. I think the wages have gone down and also the necessaries of life.

Q. But you think they have not kept pace?—A. No.

Q. Do you know how much slack there is in a ton of coal, on the average?—A. Well, it depends on the various mines; about one-third.

Q. (By Representative BELL.) Now, speaking of the necessity of ventilating metalliferous mines, is it not a fact that when the owner does not ventilate the mine he is the loser, because the smoke will not clear up so that the men can work? A. Well, I would not like to answer that question, because many times when men are employed rather than lose their positions they will work in the smoke and under disadvantageous circumstances.

Q. Is it not a fact that in the very nature of metalliferous mines they are different from coal mines; that is, they usually get ventilation through shafts and tunnels from the surface?—A. Yes; a silver mine is usually ventilated by machinery from the top and their various tunnels, but with coal mines it is different.

Q. And the air drills that are in use generally take the air right in?—A. You mean the Burley drill in the metalliferous mines. The air is furnished by machinery at the top.

Q. That ventilates, does it not?—A. Yes; I understand it furnishes a very fair quantity of air. I have not worked in silver mines, consequently I am not an authority on that question.

Q. The larger the mine the better the ventilation. Is not that usually the case?—A. Yes.

Q. The larger the coal mines the better the ventilation, and silver mines probably the same?—A. Yes.

There is a little error I made in my testimony. I stated the mine owners expressed the fear that this law would be used as a cloak for men to learn of the resources of the mine in order to make money selling stocks. I will withdraw that. I find it was another bill. There was a bill before the legislature for the inspection of the mine by the stockholders of the company, and the mine owners thought it would be used as a cloak.

Q. (By Mr. KENNEDY.) They didn't fear that an inspector for the State would give information for the benefit of the stockbrokers?—A. No; it was another bill I had in mind. They thought it was ill-advised and premature, and there was no necessity for the bill.

SALT LAKE CITY, UTAH, *August 5, 1899.*

TESTIMONY OF MR. W. G. SHARP,

Superintendent Pleasant Valley Coal Company, Salt Lake City, Utah.

At a meeting of the subcommission on mining held at Salt Lake City, Utah, August 5, 1899, Chairman Bell presiding, Mr. W. G. Sharp was duly sworn and testified as follows concerning mining conditions in Utah:

Q. (By Representative BELL.) Please state your name.—A. William G. Sharp; residence, Salt Lake City. I am superintendent of the Pleasant Valley Coal Company.

Q. About how long have you been engaged in coal mining?—A. About 15 years.

Q. You are quite familiar with the coal-mining industries of Utah?—A. Yes.

Q. Can you state about the area of valuable coal deposits in Utah?—A. I think at least 2,000 square miles.

Q. How much of that has been opened?—A. Perhaps 4 or 5 square miles.

Q. Is the remainder accessible to railroads at this time?—A. Not without building branches; not all of it. It is fairly accessible, but we need extensions of present railroad systems to reach the available working places.

Q. Your coal is bituminous, is it?—A. Yes.
Q. No anthracite?—A. No.
Q. What would be about the production per annum?—A. Last year it was about 600,000 tons.
Q. How does the quality of your coal compare with the better quality of the Pennsylvania?—A. Well, I should say it compares very favorably.
Q. You get the same coal?—A. Yes.
Q. Have you any coking coal?—A. We have some coking coal; not as good coking coal as they have in Pennsylvania; that is, so far as we have opened up. There may be some that is not yet opened up.
Q. All of your fields have not yet been thoroughly tested?—A. Our coals are very similar to the Colorado coal and our Castle Gate coal is very similar to the Canyon City coal, which is considered a very good coal, I believe.
Q. Now, how are your markets for coal in this field?—A. Our markets are with the railroads, and for steam making and domestic use in Utah. We also ship some coal to California, and we furnish some railroads out of the State.
Q. Is it first-class steam coal?—A. Yes.
Q. Is there any surplus in the product of coal in Utah?—A. No.
Q. Is your product limited to the demands?—A. Yes.
Q. You don't mine ahead of the demand at all?—A. No; we put in a little surplus coal, and the railroad companies do also in the summer time, but not more than 30 days' supply of either commercial or railroad coal. We believe this character of coal is liable to slack if we get it out in great quantities; so that the method is this: In the winter time we aim to mine enough to supply the demand; in the summer time, especially in the very warm weather, the men put in 3 or 4 days per week, depending upon the demand; and a great many of the men in the summer time go to work on their farms or in other capacities.
Q. What is the probability of an increased market for your coal?—A. Our chief possibility for an increase is in the markets of California and the railroads west of here and a growing consumption in Utah.
Q. What is your chief competing point?—A. Wyoming.
Q. How does the capital and labor engaged in coal mining compare with the time when you began mining some 15 years ago? Has it increased materially?—A. Yes; I should think it has increased five times. There is five times as much of each, both capital and labor, engaged in the business to-day.
Q. Is the business as remunerative to-day as it was 10 or 15 years ago?—A. Yes.
Q. And are the conditions of labor to-day as well, and is it just as well paid to-day, as 10 years ago?—A. Yes; I think so.
Q. How does the number of men employed in coal mining to-day compare with 10 years ago; greater or less?—A. I should say there are three times as many men employed in coal mining to-day as there were 10 years ago.
Q. How about the price of the product compared with past years?—A. Prices have decreased.
Q. And the cost of transportation?—A. Transportation cost has decreased.
Q. Who gets the benefit of the decrease, the owner of the mine, the laborer, or the consumer?—A. It redounds to the general benefit of the consumer.
Q. What would you say as to the condition of coal mining generally as it affects both capital and labor; that is, is it prosperous?—A. I should say it was prosperous.
Q. Is it more prosperous than formerly?—A. Yes.
Q. What is your judgment about the prospects for the future?—A. I look for a steady increase; not a rapid increase, but a steady one.
Q. How do the prices for mining coal compare with the prices paid in the Eastern States?—A. The prices are higher than in the Eastern States, and are about the same as they are in Wyoming and Colorado.
Q. Is it mined by the ton?—A. Yes.
Q. How are the earnings of the wage worker?—A. They are a little higher than in the East.
Q. How is the cost of living as compared with the East?—A. It is a little higher.
Q. Beef higher?—A. I think it is, in the mining camps, though I am not familiar with the cost of beef in the Eastern coal-mining camps.
Q. Do you know how the cost of flour compares with the Eastern markets?—A. No.
Q. Could you make an estimate of the savings of the economical mine worker in Utah as compared with the other States; whether they are about the same or greater or less?—A. I think there is a chance for a greater saving here, for this reason: Our coal-mining prices are necessarily dependent somewhat upon the prices paid for labor generally in silver and gold mining camps. If our coal miners did not get good wages, they could go to the silver and gold camps, so that our prices are, as I say, somewhat dependent upon the prices paid for metalliferous mining.
Q. That is to say, a higher price in the other industries has its influence upon your industry?—A. Yes.

Q. What would you say about the general condition of labor engaged in coal mining in Utah?—A. I should say it is prosperous and well paid now.

Q. And probably better than in the Eastern markets?—A. Yes.

Q. Can you give the average earnings of the coal miners in the Pleasant Valley mines?—A. About $2.50 per day. I have here a statement of the average earnings for 1 month during the past season. This statement gives the actual figures from the books, showing the average earnings of men employed at Winter Quarters mine during the month of February of this year. The earnings, after the deduction for powder, oil, fuse, blacksmithing, and doctor, were $2.65 per day per shift of 8 hours.

Q. Is this mine worked by the contract system and do some men make more than others?—A. Yes; some men make over $4 per shift. Thirteen miners averaged $3.25 per shift, and the next highest 20, $3.08 per shift; the 30 next highest averaged $2.94 per shift; the 45 next highest averaged $2.62 per shift; the 45 next highest averaged $2.59 per shift.

Q. What do you pay your drivers and outside men?—A. Pay drivers $2.50 per day and outside men 20 cents per hour.

Q. How do these wages compare with the wages paid in other industries of your State?—A. The wages of men working underground are about the same as paid in the silver mines in Utah. The wages of outside men, 20 cents per hour, I think are rather beyond the wages paid for common labor throughout Utah.

Q. Well, is it a fact that mining laborers are really getting the top wages?—A. Yes.

Q. And is the occupation healthy or otherwise?—A. Well, I should say it is not unhealthy. It is hard work, and of course it is not as healthy as work outside.

Q. Are your mines generally well ventilated?—A. Yes.

Q. Do you have much sickness?—A. No; no more than you would find in the average towns of the same size as ours.

Q. About how many days, under favorable conditions, do miners average per month when you are working at full speed?—A. In the winter time they average 24 and 25 days. They average that 8 or 9 months in the year.

Q. The men stand up under that without difficulty?—A. Yes.

Q. Do they work Sundays, or do they lay off?—A. The custom is to lay off Sunday. When very much crowded we have to work some Sundays.

Q. Is it the policy of the mine owners generally, and operators, to observe Sunday unless some exceptional condition arises?—A. It is our policy.

Q. How does that work, in your judgment?—A. Very well; works better than to try to work Sunday.

Q. You think they should have a relaxation of at least 1 day in 7?—A. Yes.

Q. You speak of the 8-hour shift; how long have you been pursuing that policy?—A. Since the 8-hour law went into effect.

Q. In 1896, was it not?—A. Yes.

Q. I wish you would give us your opinion as to the advantages or disadvantages of that law, of its operation?—A. With us it has not made much difference, as our labor is mostly all by contract, by the ton. It has not made so much difference in coal mining as it has in other mining enterprises; that is, we have continued to pay the same rate per ton under the 8 hour law as we did under the 10-hour law. In dead work we went on for a time paying the same rate per hour that we did under the 10-hour law. We are obliged to pay the same for 8 hours as we did for 10 hours, in order to get men enough. That has been one of the disadvantages. Another disadvantage is that we get only 8 hours out of our plant instead of 10 hours.

Q. That is, out of your machinery?—A. Yes; and the capacity of the mine. I should think, however, that disadvantage has been overcome by extra appliances, and time saved, so that we are not at much disadvantage.

Q. What effect, if any, have you noticed on the men working on the 8-hour system; how has it affected the miner?—A. Our miners working by the ton seem to produce as much under the 8-hour workday as they did under the 10. They seem to work at a higher rate of speed.

Q. That is, they start in with an 8-hour stroke?—A. Yes.

Q. And expend their energy in a shorter period?—A. Yes. He starts in with an 8hour stroke, and the company is also obliged to start in with an 8-hour stroke to furnish them with cars, so they earn just about as much with us under the 8-hour shift as under the 10.

Q. Do you work three shifts or only two?—A. We work only one.

Q. Then you would say that the 8-hour workday here is generally satisfactory to both operator and miner?—A. In coal mining I should say it is satisfactory to the workers and is no great disadvantage to the operator.

Q. Has it caused the employment of any more men to make the same production?—A. Not in men working by the ton, but it has caused the employment of more drivers and men working by the day, timbermen, etc.

Q. How do the miners generally spend their extra time; that is, after the 8 hours

that they work?—A. Just about as they did after their 10 hours' work. They go home and get cleaned up.

Q. Have they any inclination to read or try to improve their intellectual or social condition?—A. Yes; there is some inclination that way. The Knights of Pythias at one of our mines have a lodge and library.

Q. They patronize it, do they?—A. Yes.

Q. What would you say as to the social, intellectual, and moral condition of the coal miners of Utah as compared with 10 years ago? Do they remain about stationary or are they inclined to improve?—A. I should say it was about the same as it was 10 years ago.

Q. Are many of them men of families?—A. Yes.

Q. Are they inclined to build homes?—A. Yes.

Q. How do you find the effect of families and home life on the employees—beneficial?—A. Yes; it is beneficial.

Q. I suppose you have observed that the coal miners in the Eastern mines are very generally organized into what is called the United Mine Workers of America. How do you account for the failure to organize in this part of the country?—A. They do organize; the ones with us did.

Q. They have been organized?—A. Yes.

Q. How do you account for the reason of their abandoning it?—A. About the first thing they did when they were organized was to try to have one of our foremen removed. They tried to do it in this way—to get the foreman to accept a bribe and let one man take another man with him to work—a man that was outside. The foreman didn't accept the bribe, but discharged the man. The mine-workers' committee asked to have the man reinstated, which the company refused. Then they wrote to the united mine workers' head lodge in Denver, asking them to take up the question, and they told them the company was right and the miners were wrong, and they declined to take any hand in it, and for that reason the men disbanded.

Q. Then the head of the organization decided their claim was not well founded?—A. Yes.

Q. And that settled the organization?—A. Yes.

Q. Has there been any complaint among the miners in Utah about any unnecessary hardships being put upon them?—A. None that I know of.

Q. As you understand, they are satisfied?—A. Yes.

Q. Might that not account, in a measure, for the lack of organization—the fact that they have found that they can work in harmony without an organization?—A. I think that is principally it.

Q. You have never had a serious strike here?—A. No.

Q. During 15 years?—A. There was one strike. It was not against the Pleasant Valley Coal Company; it was the Union Pacific Coal Company.

Q. Do you know what led to that strike?—A. Decrease of wages.

Q. And how was it settled?—A. Men accepted the decrease.

Q. What methods were used in that strike—any violent methods?—A. No.

Q. All peaceable?—A. Yes.

Q. Then you have had no violence among the coal miners in Utah?—A. No.

Q. How are your mines taxed?—A. Taxed $20 per acre for the coal lands.

Q. And the improvements; are they taxed?—A. The net product is taxed.

Q. How does that compare with the taxes on other property in Utah?—A. I think it is about equal.

Q. There is no complaint among the mine owners about tax discrimination of any kind?—A. No.

Q. What do you think about the fairness of that method; the taxing of mines a nominal value on the land and the value of the improvements and then upon the net output?—A. I think, perhaps, it is a discrimination against mines to tax the net output. On the other hand, it is difficult to arrive at a taxable value of the land, so that perhaps on the whole it is fair to tax it in that way.

Q. Probably the best way that legislators have been able to evolve up to this time?—A. Yes.

Q. There is no serious objection raised by coal-mine operators to paying that double tax on their lands and property, so far as you know?—A. No, there is no objection now. I believe the proposition of taxing the net proceeds of mines was opposed by mine owners generally, but they have made no objection since the law has gone into effect.

Q. Could you suggest any improvement upon that method?—A. No, I believe not.

Q. It would be a difficult question to solve with equal justice to all lines of property?—A. Yes.

Q. You have a mine-inspection law in this State, have you?—A. Yes.

Q. Is that executed?—A. We have a mine inspector.

Q. Is inspection satisfactorily and fairly done?—A. I believe it is.

Q. Is there any complaint about slackness in the performance of his duties?—A. None that I know of.

Q. Any complaint from the mine owners about his executing his duties?—A. No.
Q. How are your mines ventilated, generally; that is, are they well ventilated?—A. Yes, they are well ventilated.
Q. I suppose it is to your interest, as well as to the interest of the laborer, that the mine should be kept well ventilated?—A. Yes.
Q. Have you any such thing as a screen law?—A. No.
Q. The screens here are regulated by the mine owners?—A. Yes.
Q. Have you had any trouble with the miners of Utah or complaint from them about unjust screen systems?—A. Well, no. Last winter we had a request for a test of the screens and the weighing, etc., but not a complaint.
Q. Did you make the test?—A. We offered to make the test, asking the miners to agree to abide by the decision of the test, and we on our part to agree, and they decided not to ask for a test.
Q. They became satisfied, then, as you understand it?—A. Yes.
Q. Is the general custom of screening coal fair to both miner and mine owner?—A. It is. A number of years ago we made a test to learn the average amount of screenings taken out by the screen. We found that to be a certain per cent of the total weight; so we now weigh on top and deduct that percentage, which eliminates any unfairness.
Q. Is it the custom of the operators generally, where the men are not organized, to receive representatives of the men and confer with them?—A. That is our custom.
Q. And use conciliatory means to reach agreements?—A. Yes.
Q. And so far you have been able to do this without any organization of the men?—A. Yes.
Q. Have you the store-order system to any extent here in the coal mines?—A. Yes, we have it.
Q. How is the store-order system conducted in Utah?—A. At our mines there is a store company; a separate corporation from the coal company. The coal company issues credit slips to the miners, and with these slips they can go in the store and make their purchases.
Q. They can buy their powder, tools, and supplies at the store?—A. Yes.
Q. They are not issued to any other store but the one?—A. No.
Q. Now, can they buy as cheaply there as elsewhere?—A. Yes; if not, they can go elsewhere.
Q. They are not required to purchase there?—A. No.
Q. Are there any discriminations against the men if they fail to patronize the store?—A. No.
Q. No notice taken of it?—A. No.
Q. And they are not required to go to that store?—A. No.
Q. And they are not overcharged there and they make no complaints about the store?—A. No.
Q. I suppose many of your miners get ahead so that they have cash?—A. Yes, many of them.
Q. And they get ahead with that scale of wages?—A. Yes.
Q. Do they spend their cash at the company store as freely as they do at the other stores?—A. I think they do, more freely.
Q. And they are inclined to trade there as well when they have cash as when they have scrip?—A. Yes.
Q. No inducement except good treatment to influence their trade?—A. That is all.
Q. Have you any boarding houses?—A. Yes; at one mine we have a boarding house.
Q. Are the men required to board there?—A. No.
Q. They can board anywhere they please?—A. The boarding house was a necessity on our part.
Q. How is it with your hospital and medical department?—A. We require them to pay $1—married men $1 and single men 50 cents per month.
Q. Does the doctor treat the families of the married men?—A. Yes, and furnishes them with medicine.
Q. Do the men have anything to say about the selection of the doctor; are they consulted?—A. No.
Q. Have they ever raised any objection to the physician you employ?—A. Yes. We allowed them a voice in the selection of the doctor and their selection has generally proved unsatisfactory to both them and to us.
Q. Are they generally satisfied with the man you select?—A. They have been for the past 6 or 8 years.
Q. And what is your judgment as to the beneficial effects of this system?—A. I think the men could not procure the services of a doctor, and get medicine and hospital treatment in cases of sickness or injury as cheaply by any other system.
Q. In other words, you think a physician would treat 100 men cheaper than he would agree to treat each one separately, when he has the assurance that he is to treat them all instead of one singly?—A. I think he would charge more singly.

Q. And that he treats them as a body much cheaper?—A. Yes.

Q. Do the men generally acquiesce in this?—A. Yes.

Q. Is it your judgment that upon a majority vote a decided majority would vote in favor of the system?—A. Yes.

Q. And it has not been an irritant in your business in any way?—A. No it has not.

Q. About what do your men have to pay for board?—A. Seventy-five cents per day.

Q. About what does it cost a man with a family; are you aware of the cost where the wives do their own cooking?—A. No, I don't know. I should think from $1 to $2 per day.

Q. Is the price at your boarding house about the same as is charged at other boarding houses at the same place?—A. Yes.

Q. And the fare is equally as good?—A. Yes.

Q. Has it been your experience that where you give the men some voice in the place where they shall board, stores where they shall trade, and all these little things, that it has a tendency to create a harmony and keep down differences?—A. Yes; not to do it would create antagonism.

Q. Even though the conditions would be no better after you had consulted them?—A. Yes.

Q. Now, we are informed that in the great coal-mining States of Pennsylvania, eastern Ohio, and Illinois, and all through the coal-mining communities, that the miners are organized and the operators are organized, and that in recent years they have come together, through their representatives, at the beginning of the year, and have entered into written contracts by which they agree to be bound for a certain period; they express all the conditions and are operating now in that way in all of the coal and iron mines throughout the East, and we are told that is the most satisfactory condition that they have ever had; and that the managers of the unions, where they found the men indisposed to keep the contract to the letter, are right there insisting that they do it; and it is said that they now have the most satisfactory condition they ever had; that, by agreement, the 8-hour law has been adopted by both the United Mine Workers and Amalgamated Association of Iron and Steel Workers. What is your judgment as to the advisability of giving the men an opportunity to talk over the wage scale and adjust general conditions, and allowing them to understand that they have some voice in it; is it not your judgment that that would have a tendency to create a better feeling?—A. They always give us to understand that they have a voice in it.

Q. Out here, as I understand, you have conferred with them without an organization and without a demand?—A. Yes.

Q. Is it your judgment that your treatment has been so liberal with them that they do not find it necessary to organize?—A. Yes.

Q. You have met them face to face and conferred with them?—A. That may have had something to do with it.

Q. There has not been any particular opposition here to unions?—A. We prefer not to have them.

Q. Though you have not discriminated, have you?—A. We have never had anything to do with them. We have had no chance to discriminate.

Q. Do you think the fact that many of your men have their farms and own their homes and are to all intents and purposes a part of your institution, or want to be, as permanent employees, has anything to do in keeping down the usual organization?—A. That has something to do with it.

Q. And you don't get so many of the floating miners as some of the other camps?—A. No; not as many as some camps; not so many, perhaps, as Colorado.

Q. Is your mining community materially different from those of Colorado or Wyoming?—A. There are perhaps more men here who have farms, on which they work during the summer time, than in Colorado or Wyoming.

Q. By reason of that you don't hold many men around your mines with the idea that they are to get just a few days' work in the week in the mine?—A. We don't hold any that we can induce to go to some other occupation when the work gets slack.

Q. Many of your miners having farms to go to in the summer, it is not disadvantageous to them to be let out in the summer?—A. No, not to those who have farms. They would go away, I think, even if the coal mine was working.

Q. That should give your coal miners an advantage over the coal miners of Colorado and Wyoming?—A. Yes.

Q. Do you see anything that is defective in the mining laws of the United States at the present time or of the State of Utah, or oppressive to either capital or labor invested in mining, or anything that should be remedied?—A. No; I see things that are unnecessary, but nothing that is oppressive.

Q. Does anything occur to your mind that should be enacted into a statute?—A. No.

Q. Then you would consider upon the whole that the mining conditions of Utah are satisfactory?—A. Yes.

Q. (By Mr. KENNEDY.) What is the thickness of the coal viens in Utah?—A. The Castle Gate mine vein averages 5½ feet thick. At the Winter Quarters mine the average thickness is about 11 feet. We have another mine where the vein is 14 feet in thickness, and in the Union Pacific coal mine it is 28 feet thick.

Q. No veins thicker than 28 feet?—A. None that are worked. There are some veins that are thicker.

Q. You have been in the business 15 years?—A. Yes.

Q. Do you remember how the compensation of the miners 15 years ago compares with the compensation to-day?—A. Yes; I think there has been a reduction of prices of 10 or 12 per cent.

Q. Not to exceed that?—A. No.

Q. Has there been a reduction of 10 or 12 per cent in the cost of living as compared with that time? Can a coal miner buy as much or more with what he receives to-day than he could with the wages of 15 years ago at that time?—A. I think he can buy fully as much.

Q. So that he is really receiving as good compensation to-day as he did 15 years ago?—A. I should say so, yes.

Q. And can save as much money out of his wages as he could at that time?—A. I think so.

Q. You spoke about some miners working by contract. Will you explain that?—A. They work by the ton; they get so much per ton, and their wages depend upon the number of tons they get out.

Q. They don't contract to get out so many tons per day or per month?—A. No, they don't contract at all; but we pay them so much per ton for all they get out.

Q. Do you call that contract work?—A. Yes; as distinguished from time work, from payment by the day.

Q. Have any of the railroad people any stock in your company or any interest in your mines?—A. Some of the owners of the railroad own stock in the coal company.

Q. In your coal company?—A. Yes.

Q. Of the railroad over which you ship your coal?—A. Yes.

Q. Are there some mines in the State in operation in which the railroad company has no stock?—A. Yes.

Q. Many of them?—A. The mines at Coalville are the only ones, I believe.

Q. Does your company enjoy any peculiar transportation advantages because of the connection of the railroad people with your mine?—A. No; we have to pay the tariff rate that is open to everyone else.

Q. Are there any rebates paid?—A. No.

Q. No advantages that are not open to any shipper?—A. I would say this, there are sometimes special rates made to reach a certain business; for instance, to supply other railroad companies, or to get into other territories there are sometimes special rates made which would be less than the local freight rate.

Q. You don't know of a rebate system existing in Utah?—A. No; I know of no system of rebates. I have known of rebates having been made for various reasons; however, not for the benefit of the coal company.

Q. For whose benefit?—A. For the benefit of the consumer.

Q. Can you give us an explanation of that?—A. For instance, for a shortage on weight or for inferiority in coal or for some special contract; to fill some special contract.

Q. Have you independent mines, or those which have no connection with railroads, that have ever complained that special favors had been given to the mines in which the railroad people were interested?—A. None that I know of.

Q. You say that the workers in the mines average 24 or 25 days in the month for 9 months in the year; can you state why the average fails for the other 3 months?—A. The consumption fails on account of the warm weather in the summer time.

Q. That gives the farmers who work in the mines the privilege of returning to their farms to work at that season of the year?—A. Yes. Often there is this falling off, but it does not leave full time for the remainder of the miners.

Q. About what per cent of the employees in your mines are farmers during the 3 months you speak of?—A. I think perhaps 25 or 30 per cent.

Q. Are they expert miners?—A. Yes; they are more expert at mining, perhaps, than at farming.

Q. Those who are miners who have gone to farming are more frequent than farmers who have gone to mining?—A. Yes.

Q. What is your system of payments, monthly?—A. Yes.

Q. Are the miners generally satisfied with monthly payments?—A. Yes.

Q. What time in the month do you pay them?—A. About the 20th.

Q. So that they are 45 days behind when paid; they have 45 days work in?—A. Yes.

Q. And they are paid for 30 of them?—A. Yes. They are paid on the 20th of this month, for instance, for last month's work.

Q. If a miner should start to work for you he would have to work 50 days before he received his pay?—A. Yes.

Q. Is that not something of a hardship on the miners; does it not naturally force them on the credit system for their living supplies?—A. Yes, it probably does. They are enabled to get what they want without paying for it at the time.

Q. Would it be a difficult matter or more expensive to pay the miners the same month, as is the case in some sections?—A. It would be some expense.

Q. Simply clerical expense?—A. Yes.

Q. Why is it you prefer that your employees should not be members of organized labor?—A. Because I would rather deal with the men themselves than with organizations.

Q. Well, would you not then be dealing with them if they were organized and sent their representatives to you?—A. I think by the present method I deal more directly with the men and their grievances than I would through labor organizations.

Q. Do you think they feel as free and independent to express their grievances as they would if they were organized and sent representatives to you to speak for them?—A. I do.

Q. Do you believe that organization has a bad effect on the working men, generally speaking?—A. Yes.

Q. Can you give your reasons for that belief?—A. I think it leads to more strikes than without organization.

Q. Do you know that the printers in Salt Lake City are organized into a union?—A. I don't know.

Q. Have you heard of a strike in recent years among the printers of Salt Lake City?—A. No.

Q. Or any other trade in Salt Lake City?—A. Not to amount to anything; no.

Q. Does anything occur to you that you would like to state?—A. No.

Q. If there is anything that you think would be of interest to the coal-mining business we would be very glad to hear from you.—A. I think the coal-mining industry is in a very satisfactory condition in Utah for both miners and operators.

Q. What per cent of your employees are foreigners?—A I think at Castle Gate mine, where we employ 350 men, fully half of them are Italians. At Winter Quarters mine perhaps 20 per cent of them are Finlanders. There are no Italians at Winter Quarters mine.

Q. What percentage of the miners at this mine where 50 per cent are Italians are American born?—A. I think perhaps 20 or 25 per cent.

Q. Does that hold good in the other mine?—A. Yes; just about.

Q. And are many of that 20 or 25 per cent the sons of foreigners?—A. Yes; the most of them.

WASHINGTON, D. C., *March 9, 1900.*

TESTIMONY OF MR. R. C. LUTHER,

General Superintendent, Philadelphia and Reading Coal and Iron Company.

The commission met at 10.45 a. m., Vice-Chairman Phillips presiding. Mr. R. C. Luther, general superintendent of the Philadelphia and Reading Coal and Iron Company, Pottsville, Pa., was introduced as a witness at 11.15 a. m., and, being duly sworn, testified as follows:

Q. (By Mr. JENKS.) Will you be kind enough to give your full name and address?—A. R. C. Luther, Pottsville, Pa.

Q. What is your business?—A. General superintendent of the Philadelphia and Reading Coal and Iron Company.

Q. Will you explain to the commission briefly the nature of the business of this Philadelphia and Reading Coal and Iron Company?—A. Mining and shipping coal—anthracite coal.

Q. Where is the property of this coal company located?—A. In Schuylkill, Northumberland, and a part of Columbia counties.

Q. What is the capacity of the company?—A. I do not know as I can give that exactly.

Q. Can you tell us something with reference to the extent of the property that is owned by this company?—A. The company owns and controls about 175,000 acres of land in the anthracite region, of which about 100,000 acres are coal land. The balance was originally timber, and is still partly timber, but not mineral.

Q. What other property is owned by this company?—A. Nothing but the improvements and the developments of the property.

Q. The improvements that go in connection with this mining business?—A Yes. Understand that I am speaking now from my end of it, which is simply the mining

department, confined to the region. We may have other property elsewhere with which I am not familiar.

Q. Perhaps, as a matter of information, at any rate, you can tell us something with reference to the relation of this company to the Philadelphia and Reading Railroad, or to the parent company, or both of them.—A. If I understand the situation, the Reading Company is the holder and owner of all property, stock, etc., of the Philadelphia and Reading Coal and Iron Company; and I understand it is also the owner and holder of the stock of the Philadelphia and Reading Railroad Company.

Q. In both these cases the Reading Company owns the entire stock of these companies?—A. Owns the stock; yes.

Q. Under those circumstances, then, I suppose this Reading Company elects the directors of the Philadelphia and Reading Coal and Iron Company.—A. Yes.

Q. As well as the directors of the Philadelphia and Reading Railroad?—A. I suppose so.

Q. So that the work of the railroad and of the mining company runs together in harmony on account of the joint control of them?—A. They are entirely independent of each other.

Q. The same company, the Reading Company, is, of course, the one company that owns all of the stock of both of the separate companies; so that while the two companies themselves are entirely independent as regards their organization, we might say that they have exactly the same stockholders?—A. Yes; I suppose so.

Q. Would you assume, then, that while the companies are independent their business is run in harmony?—A. Yes.

Q. On account of the joint interests all the way through?—A. Yes.

Q. About what is the output of your company?—A. Last year the output was about 7,500,000 tons.

Q. Has that varied materially during the last 2, 3, 4, or 5 years?—A. About 500,000 tons less than the year previous.

Q. And the year before that?—A. The year before that it was probably the same.

Q. What proportion of the total output of anthracite is that?—A. The statements show that to be about 20½ or 21 per cent of the total. No; I am wrong about that. I am giving you the shipments of the coal and iron company alone—the shipments over the Reading Railway—there are individual operators shipping as well. I should judge that the actual output of the company's mines would be about 18 per cent of the total.

Q. And you ship about 21 per cent of all of the shipments over the Reading?—A. No; of the total shipment of the whole anthracite region.

Q. What proportion of the shipment over the Reading does your company have?—A. Of the shipments over the Reading about 85 per cent when we are running full; less when we are running short time, because individual operators then ship more.

Q. During the last 2 or 3 years how much of the time have you been running full?—A. Well, not a great deal of the time. Last year we ran full from, I think, about August until about January. I was in Europe most of that time, and I am a little rusty on that. I think we started in somewhere about the 1st of August and ran full until the latter part of January.

Q. Then from that time on?—A. From that time on we have been running broken time—winter time—3, 4, 5 days a week; just as the demand required it.

Q. (By Mr. CLARKE.) What is full time?—A. Six days a week.

Q. How long are the days?—A. Full time would be with us 10 hours; that is what we consider a full day.

Q. (By Mr. RATCHFORD.) You figure on 10 hours being a full day, do you?—A. Yes; that is, in figuring up the number of days' work. What I meant is, when we work 6 days we work 9 hours a day. That has been our time for the last 2 or 3 years, working every day in the week.

Q. When you work every day in the week, 9 hours is a full day, is it?—A. Considered so.

Q. And when working broken time, you work 10 hours?—A. No. When we are working broken time that depends altogether on what the conditions are. They work sometimes three-quarter days; in the winter we usually work three-quarter days.

Q. Well, I should like to have this full-day question explained thoroughly. Is 9 hours full day, or does it require 10 hours to constitute a full day?—A. Ten hours is the customary full day; yes.

Q. (By Mr. JENKS.) On what basis are the wages paid? Are they paid by the day, or is it piecework?—A. Both. The labor is paid by the day. In our mining, work is principally done by contract, piecework.

Q. Where you have men hired by the day, that brings up again this question of 9 and 10 hours. Is it expected they will work 9 hours?—A. Their wages are fixed on the basis of 10 hours for a day.

Q. And if, on account of the shortness of the demand or anything of that kind, you work them only 4 or 5 days in a week and you cut down also their hours to 8 and 9 hours, their wages are also reduced accordingly?—A. Certainly.

Q. What is the attitude of this Philadelphia and Reading Coal and Iron Company to the trade unions? Does it recognize trade unions?—A. We have had so very little opportunity to do that that I scarcely can tell you. We have no labor organizations, and have not had for a great many years, so we have not been called upon to take any steps in that direction at all.

Q. The men that work for you, then, directly are not union men?—A. Not to my knowledge. I have seen no evidence of it if they are.

Q. You have had, then, no dealings with the union?—A. Nothing, whatever.

Q. About what is the usual rate of wages that you have been paying to the common labor in mining?—A. Our men are working on a sliding scale or basis that was fixed in 1875, and it has been in operation ever since. Our ordinary outside labor on that scale gets $8.10 a week when the price of coal is at the basis.

Q. What is the basis?—A. Two dollars and fifty cents a ton at the shipping point in the region.

Q. What has been the price of coal for the last 2 years, let us say, as compared with this basis?—A. Well, I can give you the figures.

Q. That would be better, if you can give it accurately?—A. I can give you the last 6 months last year. The percentage of July was 5 below; in August it was 4½ below; in September it was 2½ below; in October it was just at basis; in November it was 3 above; in December it was 5 above, and in January it was 7½ above. These are the average prices paid on a semimonthly basis. The wages are fixed for the last 2 weeks of each month and the first 2 weeks of the succeeding month. For the 2 weeks in January that this refers to the wages paid were actually 9 per cent above basis; but it was 5 the last 2 weeks of the previous month, so that the average made 7½.

Q. (By Mr. C. J. HARRIS.) Would it average for the year above or below the basis, or would that cover it?—A. Well, I can not tell you that exactly. For the year from June 30, 1898, until June 30, 1899, the average was 5 per cent below. The year 1899-1900 would run above that.

Q. (By Mr. JENKS.) A little above the basis?—A. It would. These figures are already 7½ above, and I have only got the first 6 months of the year, our fiscal year ending on the 30th of June.

Q. For the last 3 or 4 years, then, it would seem to be true that you have not varied, on the whole, very materially from that basis—sometimes below, and sometimes above, but last year distinctly above.—A. Yes.

Q. So we might assume, then, that the average wages for the last 2 or 3 years was about $8.10?—A. That is for common labor—$8.10.

Q. That implies that these men are working 54 hours a week?—A. No; they do not work 54 hours a week. They do not work more than 7½ hours on Saturday, but they get the same credit for Saturday that they do any other day. It makes our working time a little bit short, but it does not affect the workingman's time.

Q. The question was this: On this basis of wages it implies that men are really working full time, which would be a little over 50 hours a week. Now, if during part of this time they have been working only 3 and 4 days in a week, they will have received a good deal less than that rate of wages, some of the men.—A. Certainly; the basis is day's work only.

Q. Now, during the last 3 years, if you be kind enough to repeat, how much of the time you have been running at full time and how much at part time, it will enable us to get at the difference somewhat better.—A. I do not know that I can give you that. I could give you the total number of days actually worked, and those days will be what we call "breaker days;" those are 10-hour days. When we make up the number of days at the end of the year we take 10 hours for "breaker days." When we work three-quarter days it takes more of them. The average number of full days worked was, in 1894, 180; in 1895, 189; in 1896, 176; in 1897, 132; in 1898, 141; in 1899, 158 days. The last 2 of these years are for years ending June 30, for our fiscal year was changed at that time.

Q. At what time was this reorganization made by which the Reading Company took the stock of the Philadelphia and Reading Coal and Iron Company and of the Philadelphia and Reading Railroad?—A. I can not say positively whether it was 1897 or 1898.

Q. It was not earlier than 1897?—A. I think not, but I am not positive.

Q. Do you attribute the lessening of the number of days' work in years 1897, 1898, 1899, as compared with 1894, 1895, 1896, in any way to this reorganization?—A. No, sir.

Q. What has been the cause of the lessening of this work?—A. Want of demand for coal. The market has been the cause.

Q. To what do you attribute the lessening of the demand; to the increase in price?—A. General depression in the country of all kinds. Everybody knows that.

Q. What has been the price of coal to the consumer during the last three years?—A. On that I can not give you any information.

Q. You do not sell coal?—A. I speak only about coal on the cars, and beyond that I can not give you an intelligent answer to your question.

Q. Not even as a matter of information?—A. No, sir; I have not got it.

Q. (By Mr. RATCHFORD.) Has the production of anthracite in general increased?—A. Well, it has not all this last year. It increased last year over the year previous, but the year previous it had fallen off.

Q. Generally speaking, for a number of years back—10 or 12 years—has there not been a steadily increased demand?—A. It has increased a little each year.

Q. That being the case, does it not tend to show that the demand is not falling off for that coal supply?—A. Well, it has not fallen off this year over last. That is certainly very evident.

Q. Has not the demand for anthracite continued for the past 10 or 12 years in the same proportion as the supply of coal has increased?—A. I do not think it has, sir.

Q. Where has the coal gone that has been produced, then? What has become of it?—A. Well, the year previous we made a loss in the shipments—ran behind. We simply caught up this year.

Q. The point I want made clear, Mr. Luther, is whether or not a greater number of persons have engaged in producing anthracite coal recently.—A. Whether the capacity for producing anthracite is greater than it was?

Q. Yes.—A. I do not know whether I can answer that definitely. There has been a falling off in the capacity to produce, and there has been an increase in other directions. Our average—I can not tell you positively. That covers a little more ground, and I can not without going into details and examination to find out. Our capacity to produce, I suppose, is greater than the demand always.

Q. Yet the demand is greater in recent years than it has been years ago—10, 15, or 20 years ago?—A. Oh, yes.

Q. (By Mr. JENKS.) In speaking of the wages you gave us the wages for common labor. Did you include in that miners also?—No, sir.

Q. What have been the wages the miners receive?—A. Our miners, on the basis of $2.50 per ton for coal, receive $2 a day for what we call common work—that is, working by the day. That is generally confined to other work, and is not the mining of coal in the general sense of the word. Our miners universally work for themselves, on contract.

Q. And on what terms do you make contracts with the miners?—A. Contracts are made covering each particular case.

Q. Can you give us the general nature of the contracts?—A. Our work in the Schuylkill regions, where our veins are large and lay on a considerable incline, is all done by the linear yard; and then the character of the vein governs the contracts. That is a mutual contract made between the miner and superintendents on the spot, and that varies with the conditions. Whatever contract is made with that miner on the ground is made on the basis of $2.50 a ton for coal, with a sliding scale as prices vary.

Q. That is the scale all the way through?—A. And if the percentage on that basis increases, that contract price derives the benefit from it just the same as day's wages.

Q. Did I understand you to say that the contracts usually run in such a way that the average miner is supposed to make about $2 a day?—A. No, sir; I did not say that. I say $2 a day is fixed as a basis of wages for a miner working by the day.

Q. Yes.—A. That is, when he does work for the company by the day he is allowed $2 a day, but that does not fix his mining on his contracts at all. He earns what he can. It is his own option whether he earns more or less, unless his contract is not properly carried out.

Q. It depends on the time he puts in and the scale?—A. Yes.

Q. Can you, from your knowledge of the business there, give us any idea as to the average earnings of the average miner—how much a day it will amount to; how much a week it will amount to?—A. The average miner?

Q. Yes.—A. Our average miners ought to earn $2.50 a day or $2.75 a day under ordinary conditions.

Q. When they are working full time?—A. Of course, they have got to do their work to do that.

Q. With reference to the making of these contracts with individual miners, that varies, I suppose, with the demand for coal, and when you find the demand is shortening you simply do not make contracts with the individual miners?—A. Our contracts are made right along and continued. When the demand for coal runs short it just simply leaves all standing idle, temporarily. If we can not ship coal it affects all alike, men as well as operators; but we do not stop contracts. A miner may lose 2 or 3 days and go to work after that under the same arrangements as before.

Q. When you make contracts with these miners do you determine the number of days the miner shall work?—A. No, sir.

Q. Suppose you make a contract with the miner; for how long a time is that contract drawn?—A. It is generally made for a specific piece of work. If it is the length of the room, he is paid so much a linear yard, and he is paid semimonthly. Twice a month the miner may get his money for it, and continue to do that as long as he drives the room, until it is finished. When it is finished he is paid, and that is the end of it, and a new deal is made again.

Q. Can you tell us someting about the conditions of the miners in that region as regards their houses and the comfort with which they live, and so on? We have had a good many accounts of the condition of miners in other regions of the country.—A. I have heard no complaints of any kind. Our men are comfortably and well housed and comfortably off. They look as well as the average workingmen in any part of the country, if not better.

Q. Does your company make any provision for housing workmen themselves?—A. We own a great many houses; yes.

Q. Practically, build houses for the miners and lease to them?—A. Yes.

Q. Can you tell what proportion of your miners are living in houses owned by company?—A. Well, I can not do that accurately, but I would say that a very large proportion of our men do not live in our houses, for the reason that our mines are strung along the lines of railroads. There are a series of towns and villages, and we prefer to have the men live and congregate in the towns and villages along the line of the road rather than to build houses. But we have isolated places that make it necessary for us to have houses. I suppose probably one-half, if not more than that, of our men live in the towns, entirely away from their work, and they are carried 10 or 15 miles, some of them, to their work by miners' trains run by the Reading Railroad for that purpose, to accommodate the men and to keep them in the towns, where they own their own houses and live just as other people do under municipal government.

Q. (By Mr. PHILLIPS.) Do you charge them fare for traveling?—A. They travel for just about what it costs to run the trains—about 5 cents for 15 miles.

Q. About 5 cents for 15 miles?—A. It costs about one-half to three-quarters of a cent a mile, or something of that kind. It is run without a profit and simply to accommodate the workmen and the coal company, of course, directly in that way. In some cases, where the run is a short one, the Coal and Iron Company pays the difference. They allow the men trip tickets for the day; where the railroad company charge more we pay it.

Q. (By Mr. RATCHFORD.) How long are those tickets good for?—A. There is a ticket issued for every trip. We get many tickets for the trip, each ticket good for 1 trip.

Q. You do not issue mileage?—A. No; not to miners.

Q. I understand you to say that you make a contract with your men in an individual way—that is, deal with each man separately?—A. Yes.

Q. Have the miners at any time asked you to deal with them collectively?—A. No.

Q. And the price paid for mining in your mines differs according to the nature of the vein, and so on?—A. Yes.

Q. You spoke of room mining. How long will a room last a miner, generally?—A. Oh, that depends altogether on the vein; it may last him 2 or 3 months, and it may last him 6 or 8 months. On a heavy pitch it is apt to run some time before he gets it up 30 or 40 yards.

Q. Are rooms usually about the same length?—A. Usually about the same length—about 100 yards.

Q. And when the miner begins the opening of that room the price is fixed, is it?—A. Yes; for the full width.

Q. For the linear yard and full width he receives so much per yard for mining the coal in that room. Now, if the value of the coal mined should decline after the price is fixed, what is the next step? Is his price reduced?—A. He is working on the basis of the sliding scale that is prevailing all over the region; he understands that when the contract is made.

Q. The sliding scale carries with it, with the reduction in the selling price of coal, a certain reduction to the miner and an advance when the selling price is increased?—A. For every 3 cents in the advance of the price above the basis the miner gets one-third—gets 1 cent for every 3.

Q. What is it that determines the value or selling price of the coal? By whom is that price named?—A. That I can not tell you. That is a matter of bookkeeping and is gathered and compiled and gotten up by the auditing department of the company, about which I know nothing.

Q. Can you state to this commission that the selling price of coal is fixed by the men who have their money invested in mining?—A. I can not tell you anything about that; I do not know anything beyond the mining of the coal.

Q. Have you ever heard it was fixed by the carrying company?—A. I have heard a great many things; I could not say that it was.

Q. Do you believe it is?—A. I do not believe it is. You ask me that and I answer it freely, I do not believe it.

Q. Is there not an agreement between the carrying companies and the mining companies, to your knowledge?—A. Not to my knowledge; I know nothing about that.

Q. You do not know anything of what is called the 60 and 40 per cent agreement?—A. Yes; I have seen those contracts.

Q. Between the railroad company and the producers?—A. No; I never saw one in my life between the railroad company and the producers.

Q. By whom was the contract made?—A. I have seen the contracts between the Reading Coal and Iron Company and the individual operators.

Q. Do you care to explain those contracts, Mr. Luther?—A. They are simply contracts to purchase the coal at the mines; that is all. The operators are very glad to make them; and they are voluntary, purely.

Q. That is to say, that the coal mined by the smaller operators goes through the hands of and is sold by the larger?—A. If they choose to have it go that way, they mine and shape and prepare and load their coal in cars and turn it over to the Coal and Iron Company.

Q. Is there any complaint as to the distribution of cars in certain seasons between the different interests?—A. In our region I never heard of it.

Q. Is the 10-hour workday generally uniform in the anthracite region?—A. No.

Q. Is that 10-hour workday, full day, uniform through there?—A. Well, it is the basis of calculation all over our region. Ten hours is considered as a day in making up the days worked. If you work broken days, you divide the whole number of hours you work by 10, getting the number of days. It is only used as a matter of form to figure out your working time.

Q. Is that system employed in those parts of the region where they work the 8-hour workday?—A. I do not know anything about the 8-hour workday. I could not answer that.

Q. (By Mr. JENKS.) You spoke about the relations of the Philadelphia and Reading Coal and Iron Company to the individual operators. Do I understand from that that this company, in which you are general superintendent, leases certain tracts of your territory to certain operators?—A. It has leased some few tracts; yes.

Q. And the general nature of the lease is this: That of that coal which is mined a certain proportion goes to the Philadelphia and Reading Coal and Iron Company for the lease; is that the general nature of the leases?—A. Some of them are made in that way, and some of them are made absolutely. The privilege is granted to mine, ship, and sell, to do what they please, and to pay a royalty the same as everybody. In some cases leases are made in which one of the conditions is that they should sell the coal to the Coal and Iron Company at an agreed price at the mine. There are a few of those. We have not many leases in our territory; not many individual operators; very few. They all starve to death early. [Laughing.]

Q. (By Mr. CLARKE.) I want to hear a little more about this 60 and 40 per cent lease?—A. Well, I am not familiar enough to explain it. As I say, it is beyond me; I do not go into that at all.

Q. (By Mr. JENKS.) That is a question of fixing the price of coal?—A. I have nothing to do with that; my line is simply to mine. You will get me where I do not know where to stand.

Q. (By Mr. RATCHFORD.) You spoke of the present basis of payment. I understood you to say that you are paying now upon a basis made in 1875. Has that basis been followed consecutively during the time since it was established?—A. It has, with one exception. In 1888 that basis was changed temporarily by agreement for 3 months, after which time it went back to the same scale again. It has been so ever since.

Q. Have the conditions of anthracite mining remained about the same as they were in 1875?—A. Oh, I should imagine they have changed a good deal since then.

Q. Do you not think that basis ought to change with the conditions?—A. The basis changes with the price of coal. All you want is mining, and the miner gets his advantage of it.

Q. Was it not true in 1875 that the coal operators of the anthracite region could find a market for their own product without any interference from others, carrying companies or others?—A. I can not tell you that; I suppose they did; I do not know. They do that still, I imagine.

Q. But you have not stated so in your testimony and you were asked the question directly.—A. Well, I know no reason—I know of no change in the method of the operators mining and selling their coal now, outside of this privilege that they have of making a contract to dispose of it to one party instead of selling it themselves to a hundred. That is the only change I know of in the conditions of mining and shipping coal since that time.

Q. Well, we have direct testimony on that point that such an arrangement is in

existence and we wish to get the facts in the case. You have been asked also to explain, if you will, the nature of the contracts between your company and the smaller companies. Is there such an arrangement?—A. Between our company and smaller companies?

Q. Your company and smaller companies whose coal is bought by your company?—A. There is a purchase contract, as I have stated.

Q. Will you describe the nature of it?—A. I can not do it because I am not familiar with it; I simply know it exists.

Q. (By Mr. CLARKE.) Are the smaller companies lessees?—A. In some cases lessees; they are not all lessees.

Q. (By Mr. KENNEDY.) Are you familiar enough with that contract to say that it is not in the nature of a division of 40 and 60 per cent of the market price of coal?—A. Well, I understand from the operators themselves that there is a 60 and 40 per cent clause in that contract.

Q. (By Mr. C. J. HARRIS.) Are these contracts sought for notwithstanding this percentage, whatever it may be, and are they considered a good thing by the independent operators?—A. Oh, yes; the best evidence of that is that within the year they have renewed them.

Q. (By Mr. RATCHFORD.) Are you familiar enough to say whether an operator who sells his product to a larger company gets a larger or smaller portion of that amount as his share? Does he get the 60 or the 40 per cent?—A. He gets just what the contract gives him.

Q. Are you familiar enough with the contract to enlighten the commission on that?—A. No, I am not; but my impression is that he gets the 60 per cent.

Q. (By Mr. KENNEDY.) You say that these contracts are frequently entered into. I would like to ask if the Reading Railroad is not in a position, if it were so inclined, to either force the independent operators to enter into such contracts or force them out of business?—A. I have not had any experience of that kind on the Reading road, and I have never seen it done and never seen it tried. I do not know what they might do.

Q. Well, they handle such a large business of that kind of their own, and having the only carrying capacity reaching certain mines that are operated by independent people, are they not in a position to virtually force them to make that contract?—A. I suppose they might be; but the truth is that the only discrimination on the part of the Reading road against operators that I can testify freely to is against the Coal and Iron Company.

Q. (By Mr. JENKS.) Could you explain that?—A. The railroad always leans toward the independent operators in the distribution of cars to avoid any such thing as you complain of.

Q. (By Mr. C. J. HARRIS.) The Reading could not force these operators to accept a contract unless they were making money on it, I suppose?—A. No.

Q. (By Mr. RATCHFORD.) Are those contracts entered into on the basis of the coal to be mined or in the market?—A. In the market.

Q. In the market?—A. I understand so.

Q. (By Mr. PHILLIPS.) The price per ton for shipping coal is the same to the independents as it is to your company?—A. Exactly; we are simply on a par with the individual operators as far as that is concerned.

Q. There is no complaint on the part of the individual operators against the company as regards the rate?—A. No.

Q. (By Mr. KENNEDY.) What is the charge per ton per mile for shipping coal?—A. I can not give you that.

Q. Have you ever heard it is 10 mills, for instance, or some such figure?—A. I am not informed; I can not tell you positively. There is no use of my theorizing about it, because I do not know; that is a matter that I do not concern myself about.

Q. (By Mr. JENKS.) Your company also ships its coal under contract with the Philadelphia and Reading the same as the independents, the same as the individuals outside?—A. No; our company makes the contracts with the individuals; our company handles its own coal.

Q. Your company ships its coal over the Philadelphia and Reading road?—A. Yes.

Q. And that company is independent of your company?—A. Yes.

Q. So your company must make a contract with the Philadelphia and Reading road for the shipment of its coal?—A. Oh, it is just as any other operator; it ships over the road at an established and agreed rate of freight, a standing rate.

Q. And the rate given to your company, you think, is the same that is given by those that ship outside?—A. I think we pay the same as other shippers do exactly.

Q. (By Mr. KENNEDY.) What proportion is handled by the Reading Company?—A. You mean the Reading's proportion of the whole field?

Q. No; but of that part of the field reached by the Reading system?—A. Well, when we are working steadily and full, the Coal and Iron Company's share of the tonnage is usually about 85 per cent and the individuals will have 15. When we are

running short time, the individuals' share generally climbs up to 20, and I have seen it go to 25 per cent, simply because when there is any restriction it is our collieries that are restricted, and they go on; that is, those collieries are always supplied with cars enough to do that, else they could not run the extra time.

Q. (By Mr. CLARKE.) What machinery do the individual operators and the small companies employ?—A. What machinery do they employ? Well, machinery in the anthracite region is principally used for the preparation of coal. There is none of any consequence used for mining.

Q. Hoisting, I suppose?—A. The hoisting machinery and the pumping machinery is very limited in the anthracite.

Q. Is that furnished by every company?—A. Furnished just as they furnish everything else.

Q. Do the companies keep their plants free of water or does the soil absorb it?—A. They do; the operator keeps his plant free of water; he is compelled to in his lease.

Q. Really, then, the Philadelphia Coal and Iron Company has nothing whatever to do with the individual contractor or small company except to furnish the land and receive this royalty?—A. That is all, sir.

Q. (By Mr. PHILLIPS.) You spoke of not using machinery. Do you not use machinery in running drills, or in mining below in any form, or is it done by hand?—A. We do for rock work or tunnels.

Q. But not for coal?—A. In mining coal there is a hand-power drill used, but the machine cutting in the sense used in the bituminous regions is not used in our region at all. We do not use the same machinery.

Q. (By Mr. C. J. HARRIS.) Why is that? Does it not work?—A. It would be rather difficult to run one of these machines on a pitch of 65 or 70 degrees.

Q. (By Mr. KENNEDY.) Have you any knowledge that there is an agreement between the so-called "coalers" by which each is to carry a certain per cent of the total capacity to the market—the Reading Railroad, for instance, being allowed to carry 20 per cent of the capacity?—A. The Reading Company claims that they should have 20½ per cent of the sales of coal, of the demands of the market; that is all I know about that.

Q. Is that a higher per cent than they would concede to any other of the coalers?—A. That is their capacity; they are entitled to that under their capacity to produce. It is based upon their capacity to produce altogether.

Q. You say that they claim that. Is there not really an agreement between the coalers by which the Reading Railroad Company is carrying just 20 per cent of its capacity?—A. Well, the Reading Company endeavors to carry its 20 per cent; I know that. What the agreement is I have no idea.

Q. (By Mr. CLARKE.) What other railroads extend to the anthracite region besides the Reading Railroad?—A. Near our particular district, in one end of it, the Pennsylvania and the Lehigh Valley touches a portion of it.

Q. There is abundant opportunity then for competition between railroads for the carrying of anthracite, is there not?—A. Well, there are some competitive facilities there; connections sometimes are not very good.

Q. (By Mr. RATCHFORD.) Do you know of a pooling system between the roads?—A. I do not know anything about the roads.

Q. (By Mr. C. J. HARRIS.) There has been a shrinkage in the number of days worked for the last 2 years. I understand that 1898 and 1899 ran 140 and 158 days to the year?—A. 158 in 1899, 141 in 1898.

Q. Now, there is a shrinkage from the first figures you have read of from 40 to 50 days a year. I would like to know what the explanation of that is?—A. Well, I can not explain it beyond the fact that we stopped mining coal when we saw so much on the top that we did not know where to put it any more; nobody would take it. That is the only thing I can say.

Q. Have you not got your prices too high for the people to take it?—A. No; I do not think you will find a coal operator that will admit that prices ever got too high. The trouble is when the coal comes back on you, and you can not unload it, and it blocks your roads, and you can not unload, because there is no place to unload it and dispose of it. That is what limits the working time. We would be glad to work every day in the year if we could handle the coal.

Q. If you could get your coal down to lower prices in Philadelphia and those centers, there is no doubt but what they would use more of it, and you could work more days?—A. Well, I do not believe you could mine it at a much lower price than it is being mined for, unless you want to cut the men's wages.

Q. You admit that the trouble has been with the freight charge in getting to market?—A. I have seen that in the papers.

Q. (By Mr. KENNEDY.) Does not the Philadelphia and Reading give the independent operators all the cars they call for?—A. They give them as they do us their pro rata shares of all the cars that are in sight; and every individual operator's colliery

is rated by an officer appointed for that purpose, who is a skilled miner, upon its capacity to produce.

Q. Is he an officer of the Philadelphia and Reading?—A. He is an officer of the Coal and Iron Company, authorized to rate for the Reading Company and supply the company on that basis and rates them all up, and the individual operator calls for a rerating when he thinks he has developed sufficiently to warrant it, and on that rating the railroad company gives the cars all around, to all alike.

Q. (By Mr. PHILLIPS.) Is that rating generally satisfactory?—A. That rating is perfectly satisfactory to the independents, so much so that I tell you they make more time than the company does simply because they have more cars.

Q. (By Mr. KENNEDY.) Has there been an increase in the consumption of bituminous coal, or such an increase as is regarded by the anthracite people as an injury to the anthracite industry?—A. I think there is no doubt of that. There has been a great increase in the consumption of gas in particular in our principal domestic market that has injured us a great deal; gas stoves and gas heaters in the New England States have cut down the tonnage of anthracite coal very largely in the last few years.

Q. And yet the price remains up?—A. The only increase in the tonnage in the anthracite region is really through the small sizes that do not come in competition with the bituminous.

Q. Did the labor employed in the mining industry have any voice in making this basis of $2.50 a ton that you spoke of in 1875?—A. That was an agreement made between a committee of men and Mr. Gowen, who was then acting for himself and the individual operators.

Q. Were the men organized at that time?—A. The men were on strike at the time it was made; it was a settlement of a strike in 1875.

Q. (By Mr. RATCHFORD.) Since we have passed that phase of the subject in reference to the affairs of the railroad company, let us take up a few questions with reference to the company and its employees. Does your company run what is known as a company store, Mr. Luther?—A. No; we never had one.

Q. Your miners are paid in cash, are they?—A. Paid in cash twice a month.

Q. What nationality is your miners composed of mostly, in general terms?—A. I can tell you exactly. We make a census in October of every year of our employees, and in October, 1899, we had 6,671 Americans, 1,532 English, 5,024 Irish, 2,983 Germans, 173 Scotch, 856 Welsh, 6,485 Poles, 1,679 Huns, and 180 Italians, making a total of 25,583.

Q. (By Mr. PHILLIPS.) What year was that?—A. That was October, last year.

Q. (By Mr. RATCHFORD.) Is it generally the case in the anthracite region, so far as your information goes, that miners are free to deal where they please?—A. In our region; yes. Absolutely so with us because we have nothing else to do; we have no place to send them.

Q. Well, now, you have stated, I believe, earlier in your testimony, Mr. Luther, that your miners made as good appearance as workmen elsewhere in other lines of business, and that they were well paid and as well kept, or words to that effect?—A. Yes, I think they do.

Q. Following that, giving the number of days per year, you said they worked 140 days in 1898 upon a basis of $2 a day. Sometimes, I suppose, they will exceed that price a little, and sometimes go under it, will they not?—A. It will vary; yes.

Q. Miners as a rule have reasonably large families to support?—A. Some of them.

Q. House rent to pay?—A. I might say there, Mr. Ratchford, that when wages 2 years ago went down so low and the working time was so short, the company forgot to charge them any house rent—helped them what they could.

Q. Well, last year the yearly wages of $2 a day would be $282; the next year, it would be $315. Is it your belief or not that a man can support a reasonable family and pay house rent and living expenses on those wages, $315 a year?—A. I can not tell you how they did it.

Q. And keep up appearances as men do who are receiving $800 or $900 a year—$700 a year, the average working man receives in other trades?—A. I can not tell you how they did it, but they did it.

Q. They do it?—A. Yes; and they would not thank you to criticise their appearance there, any of them; they look all right.

Q. (By Mr. PHILLIPS.) Are they pretty comfortably housed?—A. Yes; they live very comfortably; there are exceptional cases, of course; but we are speaking generally now.

Q. What are the school advantages among them?—A. Perfect; as good as the public schools anywhere, and plenty of them.

Q. And do the children of the foreigners largely attend the schools?—A. Yes, they go to school.

Q. (By Mr. CLARKE.) Does your company import foreign labor?—A. No; we never did.

Q. The foreigners who come there work precisely on the same basis as the Americans, do they not?—A. Foreigners that come to our country work under the laws of the State of Pennsylvania. We have special laws in reference to foreign labor in our county. A foreign miner, no matter where he comes from, can not work in the anthracite mines as a miner without first working 2 years as a common laborer to learn the business. The consequence is that we do not get any skilled miners from abroad. No skilled miner from England or Wales or any other country is going to come there and work as a laborer for 2 years.

Q. The laws do not discriminate against a foreigner except during the period of 2 years?—A. That is all. That law was passed to keep the Huns out. Instead of that it brought them in.

Q. Is the cost of living in your region essentially different from other mining and agricultural regions?—A. I think not—about the same.

Q. Most of the food that is consumed by these miners is grown in the vicinity?—A. No; there is very little produced in our immediate vicinity. We have some farming counties parallel to the coal valleys, but the markets are well supplied from the producing centers, the cities and the country that supplies Philadelphia and other points.

Q. Are you familiar with the way in which these miners live—with their daily diet?—A. No. I must say that I have seen the best bread put out of the ovens that I ever saw in my life. They live pretty well—not extravagantly, however; but they live on wholesome food—pretty well.

Q. Are all your company's shipments made over the Reading Railroad?—A. Yes.

Q. Are all those of your lessees made over the Reading Railroad?—A. No; there are one or two that ship over two or three roads, but as a rule the lessees of the Coal and Iron Company ship over the Reading road.

Q. Was there ever any contract or understanding that they should ship over the Reading road?—A. All the leases provide for that.

Q. (By Mr. RATCHFORD.) Have these miners any other means of raising any part of their own living from the soil about them?—A. Yes; they do a good deal. In many parts of the region they have little patches and raise vegetables and potatoes. They are doing quite a good deal of that during the last two or three years.

Q. (By Mr. RATCHFORD.) The matter, I believe, that the commission would like to have explained particularly in reference to this subject is how they can live as well as you seem to believe they do. The wages they are receiving in 1899 at the figures you give made $315 a year on an average, or a little more than $26 a month for 12 months. They pay house rent and have to buy their coal, do they not?—A. They get their coal from the collieries at a very low rate, a special rate made for the men.

Q. And pay such prices for the necessaries of life as generally prevail in other cities. How they can do so and support a family on $26 a month is what I should like to have explained?—A. They nearly all of them have boys that work that bring in money; and besides, you are fixing them down to $2 a day, which is not the case; a miner can earn more than that.

Q. I believe that you admitted it would run over this in some cases and under it in others. Some of them have boys at work, but is it not the case that many of them have no boys at work?—A. Well, it may be that some of them have not, of course, but a great many of them have.

Q. Do they ever strike?—A. General strike, you mean? We have not had but 1 strike that I know of since 1875—1888.

Q. They do not complain?—A. I hear no complaints; individuals sometimes have a grievance; that is taken up and remedied if there is any remedy for it; our men are generally satisfied—no trouble.

Q. As to the prices or the cost of supplies to the miners, you sell the miners powder and oil, etc.?—A. Yes.

Q. What is the price of powder now?—A. $1.50.

Q. $2.50?—A. $1.50; and has been for 10 years and more. The rest of the supplies we barely get through with cost and a small percentage of waste.

Q. You sell oil, do you?—A. Yes.

Q. And tools, too, when the miner needs them?—A. Yes; anything he needs.

Q. That, of course, will be deducted from his earnings?—A. Yes.

(Testimony closed.)

WASHINGTON, D. C., *Friday, March 9, 1900.*

TESTIMONY OF MR. JOHN VEITH,

Mining superintendent, Reading Coal and Iron Company.

The commission met at 10.45 a. m., Vice-Chairman Phillips presiding. At 12.30 p. m. Mr. John Veith, of Pottsville, Pa., mining superintendent of the Reading Coal and Iron Company, was introduced as a witness, and, being duly sworn, testified as follows concerning conditions in the anthracite coal regions:

Q. (By Mr. RATCHFORD.) You will state your name and business to the commission, Mr. Veith.—A. John Veith. I am what they call a mining superintendent.

Q. What company are you connected with?—A. The Philadelphia and Reading Coal and Iron Company. Mr. Luther is the general superintendent.

Q. How long have you served in that capacity?—A. Twenty-two years.

Q. And before that time?—A. I have been with this company 27 years. At first I was what they call district superintendent, having charge of from 5 to 9 collieries.

Q. You are familiar with the affairs of the company with relation to its workingmen during that time, are you?—A. Yes.

Q. Have you been asked by the miners employed by the company to treat with any organization of miners during that time?—A. No; not since 1888.

Q. Were you asked in 1888?—A. In 1888 we did treat with them. There was then trouble out of sympathy with the railroad employees. The miners did not strike against the coal and iron company; only they would not work because of the railroad trouble.

Q. What was the result of that trouble?—A. Well, they all went to work again; they stopped for about a month, and then all went to work.

Q. Was there anything gained by the strike?—A. Not that I know on either side. The railroad settled with its men, and they went on with their work, and so all the miners went to work.

Q. Would you care to briefly outline the causes that led to it?—A. I hardly could tell you; that is, I do not know why the railroad company got in trouble with its men. As far as our company's work was concerned, it was kind of a Knights of Labor arrangement. We have had no trouble since.

Q. Is it not a fact, that that strike was precipitated because of the opposition by the miners to the railroad company fixing the price of coal at the seaboard; that the miners preferred to deal directly with the employers?—A. I could not say; I did not know this; that is something new to me.

Q. Do you know of any contract or existing condition that gives the railroad company that power?—A. No.

Q. Do you know that they have not got that power?—A. I do not know anything about the railroad at all; that is something I never bother my head with. I believe the trouble started in the upper region.

Q. Are the contracts that are made with the miners made under your direction?—A. Yes.

Q. How are they brought about?—A. Well; we have different conditions, different veins. For instance, we are opening or driving a tunnel, and it is in such a vein, we make a contract to drive the gangways for so much a yard under the present condition, as we find it. If the condition changes we change our price.

Q. In each case those contracts are made between an officer of the company and the individual miner?—A. Yes; all contracts are made with the miner.

Q. Are prices usually the same in the same portion of the mine?—A. No; it depends on the nature of the work. For instance, on some gangways we pay $7; maybe, in the next gangways, the following vein is $9; just as we find the condition.

Q. In making each gangway is the price the same to the men employed?—A. It is for driving gangways.

Q. For the rooms in those gangways?—A. It is the same.

Q. In the case that the miners feel the price is too low, what is the next step?—A. Well, we try and make an agreement with them, with one another. Sometimes it will be increased; otherwise they may have to come down, just as the case may be. So far we have been successful and always agreed.

Q. Have you had any cases in which the miner refused to accept the price proposed?—A. Oh, yes; such cases come every now and then.

Q. What becomes of him?—A. Well, he goes somewhere else. He is not obliged to work there. Or he probably stays in the same colliery and takes some other work.

Q. If for any reason your company desires to get rid of any of its men, is that the manner, and is it hard to get rid of them?—A. We never practiced that method.

Q. I did not imply that you have practiced it, but I simply ask if it is not an easy process?—A. No; we simply offer him the same price as anybody else. If he wants to work he is welcome.

Q. Do you know of anybody else who employs that means of getting rid of men that are objectionable?—A. Not that I know of; not under our company. We have not what they call the black list. Any man working for our company can go to any colliery, wherever he finds work.

Q. You have not any black list?—A. No.

Q. And do not recognize any that may be used by others?—A. No; we mean fair and square dealing.

Q. Were you ever requested by neighboring companies not to employ men who had left their service?—A. No; we never ask anybody where he comes from. If we need anybody and a man comes and asks for work he gets it, provided he shows that he is a miner. The law compels him to show his certificate that he is a miner. We make no difference whatever—black, white, or whatever he may be.

Q. (By Mr. PHILLIPS.) Are there many colored people at that point?—A. No, we have very few; I guess we have about 4 or 5 out of 26,000.

Q. (By Mr. RATCHFORD.) You have to satisfy yourself in each case that the man seeking employment is an experienced miner before you will employ him?—A. Yes; otherwise there will be too much work. There are 26,000 people.

Q. Do the miners who have the required experience carry certificates with them?—A. They show them, unless they are old employees.

Q. What is the purpose of that?—A. It is the law of Pennsylvania. All our bosses must do the same way.

Q. How are the certificates obtained?—A. Well, they appoint a commission for examining the miners. It is the miners themselves that give this certificate. There is a board appointed by the court of so many miners. These miners have to go before them and stand an examination—we have nothing to say in this matter at all—and then they give a certificate.

Q. Is it not a fact that this method is employed as a means of taking precautions against explosions and so on in the mines?—A. I do not know how it is. This law was gotten up, as far as I understood at the time, to protect our people at home from the foreigners that came in, Hungarians and Polanders.

Q. (By Mr. PHILLIPS.) Did it work in that regard?—A. It did not work, it did the other thing; it deprived the others of work. I have not seen an Irishman, or a German, or a Welshman, or an Englishman for the last 10 years come in there, but the Hungarians and Italians have come in droves.

Q. Come there as laborers and learn?—A. Yes; work at anything.

Q. How do they learn the business then?—A. They come in as loaders; they work in the gangways as loaders. That is the way they learn, the same as anybody else; but we find some very good miners among them, they pick up as well as other people. The only drawback that we have with them is the language; we can not make them understand things as well as they ought to.

Q. (By Mr. RATCHFORD.) Is there much danger encountered in your mines in the way of poisonous or explosive gases?—A. No; we have some collieries in which the conditions are first-class all through.

Q. Do you have some explosions?—A. Yes; we have.

Q. Any men killed?—A. Some men killed, yes.

Q. When did these explosions occur?—A. We have only a few. We have had no such explosion as you see in the papers, when 10, 15, or 20 men are killed. We have have had only 1 or 2 killed at a time. Sometimes the miners go in where they ought not to go, and they get killed. We have very few accidents.

Q. What is the remedy for that?—A. The remedy is to obey orders.

Q. Obey orders?—A. Yes; if they will obey the orders of the fire boss they will be all right, unless now and then we should happen to strike a bit of gas.

Q. It is pretty hard to get the men that do not understand to obey orders, is it not?—A. They will tell you yes, that they will do so, and then do not do it.

Q. Do they always understand what you want?—A. Sometimes not, I suppose. I guess that is the great trouble; and how to make them understand, that is the problem until they have learned the language.

Q. Have you had any explosions as the result of the negligence of foreign miners?—A. Oh, yes.

Q. Or lack of understanding?—A. Yes; some of them were killed.

Q. Was there much loss?—A. No; we never have what we call a big body of standing gas.

Q. Do you believe that the foreigners are more satisfactory than American miners?—A. No; they are not. Some are all right; the majority are not.

Q. You have no company stores?—A. No, we have not; the company pays every 2 weeks, cash.

Q. Does your company check off orders for other stores?—A. No; no collection for anybody; all these storekeepers must run their own business. We run no collecting business. Each miner gets his money and can do as he pleases.

Q. Are you in the habit of discharging any miners?—A. Not very often, unless we find a man that will not positively do what he is ordered to do.

Q. In case of discharge, do you have any trouble with those that are remaining?—A. No; I do not think we discharge a man once in a year.

Q. You say you have not had a strike since 1888?—A. That was no strike, not from any trouble with us; it was simply a sympathetic arrangement with the railroad men. No; we have had no trouble at all that I know of with our men. So far all our men have always been satisfied; there are some growlers, but you find them always in every place.

Q. Is it not generally understood that there is an agreement between the coal producers of the anthracite region, which is known as the anthracite coal trust?—A. Well, I do not know anything about it, any more than what you see in the papers; if there is any truth in it or not, I can not say.

Q. Do you know whether this combination regulates production as a whole?—A. That I do not know.

Q. Or prices?—A. That I do not know—that would not reach me anyway. My business is to see that the mines are all right.

Q. You are the general superintendent?—A. Mr. Luther is the general superintendent; I am the mining superintendent; I have charge of the mining; other business outside of this does not belong to me.

Q. Have you anything to say as to the morals of the community in which these miners live, especially with reference to the foreign class of people, or of all?—A. The foreigners seem to very good fellows; there is very little trouble. There is a little trouble now and then among themselves, but as a rule they do not quarrel with other people.

Q. Are they generally peaceable?—A. They are peaceable. Oh, sometimes they have their festival and they sometimes get drunk and kill some one.

Q. They live in cleanliness and good sanitary conditions in their houses?—A. Yes; I think it would do you good to go through this region and through these towns, and see for yourself. On Sunday you would not know them; it is changed so greatly.

Q. School facilities are good, are they?—A. No. 1; could not be better.

Q. Do you employ boys in the mines?—A. Yes.

Q. What age?—A. Not under 14 inside, 12 outside; that is regulated by law.

Q. The inspection of your mines is also done by the State, is it not?—A. Yes.

Q. How often?—A. Well, the inspectors are continually dropping in on us, as often as they can. Each inspector has a big territory, and it takes him some time to get around unless there is a special occasion—something for which he is notified to come. At other times he comes there twice in a year.

Q. (By Mr. PHILLIPS.) How many mine inspectors do you have in the anthracite region?—A. We have seven.

Q. (By Mr. KENNEDY.) Do you, as an officer of the company, ever call in the inspector?—A. No; they have their own way.

Q. Are there not cases when they are called in outside of their stated trips?—A. Not that I know of; we have had none that I am aware of.

Q. Do the men ever call the inspectors in?—A. Sometimes they do, but they do not sign any name to the request.

Q. Do they answer those anonymous communications?—A. Sometimes they will come and see whether there is any basis for the complaint.

Q. (By Mr. RATCHFORD.) What is the object of men in writing such letters?—A. Well, it is hard to tell. You know they write all kinds of stuff.

Q. Are they afraid to sign their names for fear the inspector will make it known to the company?—A. I do not know. With us, the writer of the letter could just as well sign his name to it. I get lots of anonymous letters myself about this and the other thing. We think they are troubled and the matter is looked into. But it will always be so; you can not change the nature of the people.

Q. (By Mr. MANTLE.) How many men did you say were employed by the company?—A. 26,500 or 26,600.

Q. All classes of labor?—A. All classes of labor.

Q. What per cent of those are Americans?—A. I could not tell you that.

Q. A small per cent?—A. I guess the American is the largest.

Mr. LUTHER. 6,500 out of 25,000.

Q. Of what nationality principally are the foreigners?—A. The majority are Huns or Poles.

Q. Poles?—A. I think so; I do not know, though.

Q. (By Mr. MANTLE.) Have these questions been asked?—A. Yes; we take a census every year.

Q. (By Mr. KENNEDY). Does any docking system prevail in the mines?—A. No, not with us; we do not dock wages.

Q. What do you do with a man who does what might be called dirty mining?—A. First we warn him that he must stop it; the second time he gets notice that unless he stops it he will be dismissed; and the third time he must take his tools away.

Q. Suppose you pay by the mine car and it is filled with other substances than coal or has a large proportion of other substances, do you pay the full rate and then warn the miner?—A. Yes; we will not dock him.

Q. No dockage system whatever?—A. No; we punish by the third notice that he will have to take his tools. Then he is discharged.

Q. (By Mr. MANTLE.) Are these foreigners American citizens now?—A. Some of them become citizens.

Q. As a rule do they become American citizens?—A. Yes; they have to be here 5 years to become American citizens.

Q. Do you know whether this proportion of naturalized foreign population runs generally through the coal-mining regions of the country?—A. Well, I do not know anything outside of Schuylkill, Scranton, Northumberland, and Columbia. As a rule it seems to hold there. What it is up at Wilkesbarre and Scranton I could not say.

Q. Are the foreigners mostly voters?—A. Oh, no; I guess the majority are not voters.

Q. Are these all men that have come to the country of their own volition?—A. I suppose so.

Q. Have not been shipped in for the purpose?—A. Not that I know of. We never got what you call imported men; they come with their friends, and look around for work. One gets inside and the other outside and so on.

Q. (By Mr. KENNEDY.) Are the school facilities ample in the mining regions?—A. Oh, yes; we have splendid schools and plenty of them.

Q. It has been said that the children of the Huns and Italians do not take advantage of them?—A. Oh, yes; they go to school.

Q. Is English taught principally in the schools?—A. All English.

Q. Do the children of the Italians and Huns generally use the schools?—A. Yes, and those that are working by day get night schooling; we have night schools for this purpose.

Q. (By Mr. MANTLE.) I have read or seen it reported a great many times that in some sections of the mining region a very unusual condition exists with respect to these foreigners; that is, as to their families and their methods of living; for instance, that 8 or 9 or 10 of these people will be bunched up together in a small room?—A. They used to do so; that is done away with now.

Q. And in many cases one woman is married?—A. Yes; and as high as 15 or 20 men live in the same house.

Q. Does that condition exist?—A. Oh, yes, that is the case, but it is exceptional.

Q. Does this condition exist very extensively among your employees?—A. Not any more; there was some of it, but there are many houses in the towns and this arrangement has gradually given away; the foreign miners are living like other people.

Q. (By Mr. RATCHFORD.) You think their standard of living improves as they become accustomed to our manners and ways?—A. If you saw the improvements they have got there, you would not know the people. The young people that are raised there are certainly Americans.

Q. (By Mr. CLARKE.) Is there any employment for women or girls?—A. No.

Q. Do they have any factories of other kinds where they can get work?—A. In the larger towns they have some little factories, but not at the collieries.

Q. (By Mr. A. L. HARRIS.) What kind of factories?—A. Knitting factories and others.

Q. (By Mr. CLARKE.) It is true, is it not, that quite a number of the female members of the miners' families are earning wages?—A. Oh, yes; and the boys are working around the collieries, most of them; some of them are engineers.

Q. How many rooms are there in the houses of the miners generally?—A. Well, from 4 to 10; we have houses that have 10 rooms.

Q. Have you ever eaten a meal in any of these miners' houses?—A. Yes; I was a miner myself.

Q. Can you describe to us about what the daily ration of the minor is?—A. I could not tell you that; but you see at a glance when you meet them that the miners get good food to eat; I know this much that they get as good bread, if not better, than what you get in the town.

Q. (By Mr. RATCHFORD.) What does a 10-room house rent for?—A. We have 10-room houses renting as high as $8.

Q. What does a 4-room house cost?—A. $2, $3, and $4, just as the house may be; there are some that cost $6. All the houses that the company builds are good houses.

Q. (By Mr. CLARKE.) Now, our consular reports give us statements of the bills of fare, so to speak, of the working people in other countries, and we have them from different parts of our own country. I would like to find out about what they have for breakfast, and what they have for luncheon or dinner, and what they have for

dinner or supper, whichever they may call it in the mining region?—A. Dinner the miners generally take along to the mines—that consists of bread and butter; sometimes a piece of meat, a piece of sausage, and some other things. For supper, I suppose they have a regular meal—potatoes, meat, cabbage, and such stuff as the market brings them.

Q. Do they, as a rule, have meat every day at some meal?—A. No; I do not think they have. In fact I have paid very little attention to this. I know when I was working that I had meat as often as I wished to have it, and I suppose they are doing the same thing to-day.

Q. (By Mr. MANTLE.) Does your company make any effort, or is it the policy of the company, ever to improve the social conditions of its employees?—A. Yes.

Q. Do they make any provisions for it in that way?—A. The Iron Company has aimed right along to put the miners in the towns, and to give them facilities; that is why they have established the running of mining trains, so that the people can live together in communities; it makes better people—to live with the schools and churches.

Q. Do you do anything in the way of providing a library or reading room?—A. The company does not do this, but they do it among themselves. Do not get any idea that the mining population is ignorant, for they are not; I must say that.

Q. Are these foreigners educated?—A. Yes; you should go up there among them.

Q. They can read and write?—A. There are very few that can not. All classes of our mine operators are raised right from those people, and they get their schooling in these communities.

Q. Those are the public schools?—A. Yes; public schools; there are no others.

Q. (By Mr. JENKS.) You spoke of the contracts that were made by the individual miners. Are those contracts put in writing, or are they simply verbal contracts?—A. No; they have verbal contracts except for special pieces of work like the slab.

Q. Your contracts for general work are verbal contracts?—A. All our work is contract work with the exception of very little special work; all is contract work.

Q. Do you have disputes arising from the contracts, because those contracts are not put in writing?—A. Well, sometimes a man says he can not do it for the same price, and we will give him a higher price in some cases, and we will tell him to go on and when he gets into difficulty we pay him the wages.

Q. You do not have any trouble if a man comes and claims that you have forgotten something?—A. There may be a mistake sometimes, and if it is made it is rectified.

(Testimony closed.)

WASHINGTON, D. C., *Friday, March 9, 1900.*

TESTIMONY OF MR. E. E. LOOMIS,

Superintendent coal-mining department, Delaware, Lackawanna and Western Railway.

The commission met at 2.05 p. m., Vice-Chairman Phillips presiding. At that time Mr. E. E. Loomis, of Scranton, Pa., superintendent of the coal-mining department of the Delaware, Lackawanna and Western Railway, was introduced as a witness, and, being duly sworn, testified as follows:

Q. (By Mr. JENKS). Please state your name and address.—A. E. E. Loomis, Scranton, Pa.

Q. What position do you hold in the railroad?—A. Superintendent of the coal-mining department of the Delaware, Lackawanna and Western Railway Company.

Q. What is the special nature of the business you have to do—securing the contracts for shipping?—A. No.

Q. What is the special nature of your business?—A. I have general charge of the mining operations.

Q. Are the mines themselves that you have special charge of owned by the Delaware, Lackawanna and Western Railway Company?—A. Yes.

Q. The general work you have, then, is looking after the mining department and not after the shipping of coal?—A. Yes.

Q. Do you have anything to do yourself with the selling of the coal that you mine?—A. No. Except at a few local points there is a regular tariff rate.

Q. And a regular price for coal?—A. A regular price for coal, but I do not have anything to do with that.

Q. Where are the prices fixed; who fixes the prices?—A. The sales department.

Q. And those prices are simply quoted and you supply the coal at those rates?—A. Yes.

Q. The coal that is taken out under your general supervision is sold mostly where?—A. All over the country—there is no particular market—anywhere we can get a market for it.

Q. Do you know where your two or three largest markets are?—A. The largest markets would be Buffalo and tidewater.

Q. Does the Delaware, Lackawanna and Western Railroad lease any territory to other coal operators?—A. I believe there has some territory been leased to other operators; yes.

Q. Is any of the territory that you yourself manage for this company territory that is leased from other owners, or is it all owned by your company?—A. Well, quite a proportion of the coal we get out, we get out under a lease or a royalty, as they call it—the land is owned by individuals.

Q. What is the general nature of that royalty that you pay; so much a ton for the coal you get out?—A. Yes.

Q. In the mining of this coal do you hire the men that are getting the coal out for you by the day, or is it a matter of individual contract?—A. The miners are paid by the car.

Q. So much a load for what they get out?—A. Yes.

Q. That rate varies, I suppose?—A. Yes.

Q. Continually?—A. Yes; different in different mines and different in different veins.

Q. That is a matter practically of individual contract with each miner?—A. You may call it that, yes; each is a contract miner in one sense.

Q. And the variations are so many that it is practically dealing with the individual?—A. Yes.

Q. Do you have trade-union men working under you, or are the men independent of trade unions?—A. Well, of that we have no knowledge. I have no personal knowledge of anything of the sort.

Q. You do not deal with the unions?—A. No; I deal with my men.

Q. Whether they are union men or not is something you do not pay any attention to?—A. No attention whatever.

Q. Have you had any difficulty with your men in the way of strikes?—A. No; except that there have been one or two cases where the breaker boys have done some little thing that was easily adjusted; they have shut down a breaker for a day or two, that is all; there have been no general disturbances.

Q. How long have you been connected with the company?—A. Only since June.

Q. Were you working for this company before in any other position?—A. No.

Q. What other company were you working for, or what other position have you had before going there?—A. I was superintendent of the Susquehanna and Western road.

Q. In the railroad business proper?—A. Yes.

Q. Does the Delaware, Lackawanna and Western Railroad, in its coal business, have any agreements, to your knowledge, with other mines or miners with reference to the price at which coal shall be sold?—A. I think there are some contracts with individual operators.

Q. Other operators in this same locality where you are working?—A. Yes; located on the line of the Delaware, Lackawanna and Western Railroad.

Q. What is the general nature of this agreement with regard to the price of coal?—A. Well, the agreements vary; I have not got the details in my mind.

Q. I thought perhaps you could explain to us the general nature. Is it that coal could be sold for such a price and in such a territory for any length of time?—A. They generally agreed to a certain proportion of the market price.

Q. That is, the market price at tidewater?—A. At tidewater.

Q. (By Mr. RATCHFORD.) Who agrees to pay the market price?—A. The companies. The railroad company agrees to pay the mine operators.

Q. Do you know what that percentage is?—A. I think in most cases it is that same percentage that you quoted this morning.

Q. (By Mr. JENKS.) Sixty and forty?—A. It differs according to sizes; it is a general agreement all through that region.

Q. (By Mr. RATCHFORD.) Would you object to furnishing the commission with a copy of that agreement?—A. I have not got it.

Q. Could you get it?—A. I could not say that I could. I would hardly be at liberty to turn over an individual operator's agreement.[1]

[1]For copy of agreement in force on various roads in 1901, see Reports of Industrial Commission, Vol. IX, Transportation, p. 505.

Q. (By Mr. KENNEDY.) Is there not an agreement of that sort with independent operators?—A. Oh, we deal with a good many—a good many of these operators have no agreement—just a general understanding.

Q. (By Mr. JENKS.) The general understanding that they have is this: that they shall receive for the coal that they ship over this road, or sell to this road, 40 per cent of the tidewater price?—A. Sixty.

Q. Sixty per cent of the tidewater price, and the 40 per cent is supposed to go for the smaller sizes?—A. No; 60 per cent is—two prices, 60 and 40 for different sizes. The 40 per cent would be for freight on those sizes where the operator gets 60 per cent.

Q. On other sizes 60 per cent for freight, and 40 per cent would go to the operator?—A. Yes.

Q. You have charge of the coal department of the Delaware, Lackawanna and Western Railroad, that owns these mines? There is, as regards the bookkeeping of that company, a separate division, the mining division?—A. Yes.

Q. Do you have the prices that are quoted to the department fixed on the same basis as in the case of independent operators?—A. Yes; and the same rate of freight.

Q. Yes?—A. Yes.

Q. That is to say, there is credited to your department 60 per cent of the tidewater price in round numbers?—A. Well, I could not say that it figured out just that; but there is a regular published tariff rate on coal. Individual operators can ship at that rate, and we are charged that rate in our shipments.

Q. What is the rate?—A. It differs at different points.

Q. Can you give the rate, say, from Scranton to New York?—A. No.

Q. Of course, these are published tariff rates?—A. Published tariff rates.

Q. And so far as your department is concerned, you are charged with these regular tariff rates and the rest of the price goes to your credit, the credit of your department?—A. Yes.

Q. I do not quite understand how it is as regards the individual operators, then. If the individual operators ship and pay the regular schedule tariff rate, I do not quite see how they take this division.—A. No, we purchase the coal, when we pay that per cent. In the one case we purchase the coal; in the other case the operator ships independently; and we have shippers that market their own coal, and we have shippers that sell to us at that rate.

Q. Now, when you buy coal in that way, is it the railroad company or is it this mining department that does the buying? Is it you that do the buying or is it the railroad?—A. It is—you might say it is the mining department.

Q. It is the mining department that does the buying under those circumstances?—A. Yes.

Q. (By Mr. RATCHFORD.) Where this 60 and 40 per cent agreement is in operation, Mr. Loomis, does it apply on all kinds of coal—all sizes, for instance?—A. I will not be sure about this, but I am inclined to think that for the smaller sizes there is a little difference, for the steaming sizes there is a little difference.

Q. In favor of the carrying companies?—A. I am not in a position to say that; I do not know.

Q. (By Mr. JENKS.) The principle, you think, is the same?—A. Yes.

Q. Fixing the price, with a little variation which is on account of the difference in cost of carrying and cost of mining?—A. Yes; smaller sizes are cheaper coal, and we can not charge as much for carrying the smaller sizes as we can for marketing the larger sizes, the expensive goods; that is, we do not get the same per cent.

Q. (By Mr. PHILLIPS.) Is there any complaint of discrimination between the large shippers or smaller shippers, or the railroad companies or independent shippers of coal?—A. I have never heard of it; I know of none.

Q. You know of no complaint in regard to discriminating rates?—A. No.

Q. (By Mr. RATCHFORD.) What is the annual output of the Delaware and Lackawanna Company?—A. I have not it in mind. It is published; I saw it in a statement in a paper the other day. It is in the vicinity of 5,000,000 tons, I think.

Q. What part of the entire coal haulage does that constitute on that line of railroad?—A. Well, the major portion.

Q. The major portion?—A. Yes.

Q. How many independent operators have you on that line who are shipping under the published tariff rate?—A. I could not say. They order the cars and get them and ship under the published tariff rate. In the case of some of them, we buy part of the output and they sell independently part; from others we buy all their output.

Q. Do you know which plan they seem to favor as a whole? Do they favor the published tariff rate or the percentage plan?—A. Well, I think we purchase the major portion of the coal of the independent operators located on our line.

Q. That means they favor the percentage plan?—A. Yes.

Q. (By Mr. PHILLIPS.) Do you handle as much coal over your line as the Phila-

delphia and Reading does over its line?—A. I have no knowledge of what the Philadelphia and Reading does; I do not think we do.

Q. Have you any understanding or agreement with the Philadelphia and Reading Railroad in regard to freight rates from the anthracite fields?—A. No.

Q. Or with any other roads?—A. No.

Q. (By Mr. JENKS.) Can you give us an idea with reference to the average rate of wages paid to the miners that are working under your general supervision?—A. Well, it is a pretty hard thing to answer, because it varies. We pay differently in different mines and under different conditions and in different veins.

Q. Ordinarily those rates and those conditions are adjusted in such a way as to give the miner a fair living wage in each case?—A. Yes.

Q. Have you any idea as to how much it would average per day?—A. Well, it would run all the way from $2 a day to $5 a day, net.

Q. Have the men working in your mines been working for the last year or two on full time or part time?—A. Partial time.

Q. Can you tell about how many days in the week, on an average?—A. The mine inspector's reports show that. I think the Delaware, Lackawanna and Western mines, according to the inspector's report this last year, worked 179 days. That is my recollection; it is all published.

Q. (By Mr. RATCHFORD.) You are familiar enough with the anthracite coal region and all the conditions surrounding it, I presume, to state whether or not coal from all parts of the district brings about the same price in the market?—A. I think it does.

Q. And do I understand you to say that your miners make from $2 a day to $5 a day, net?—A. Yes.

Q. What would be the average, you think?—A. I made some figures some time ago. I took the actual figures from pay rolls and took the individual names, taking from 6 to 12 men in each mine, composed of good miners, poor miners, and average miners, and the actual moneys drawn by those men for the year ran all the way from $500 to $1,000, net, after everything was taken out.

Q. Did you take an equal number of each class?—A. Yes.

Q. (By Mr. PHILLIPS.) Of what nationality, chiefly, are the employees of the mines in your district?—A. I could not say; I have no positive knowledge of that. We have a great many Welsh.

Q. You do not know the per cent of each?—A. No; I do not.

Q. (By Mr. RATCHFORD.) When did you make those averages of wages?—A. I think it was for the year ending December last.

Q. Can you state now, approximately, without going into detail, what the average wages for all your miners were last year?—A. I think that is a fair average; that is what we tried to get at.

Q. (By Mr. JENKS.) Now, for a minimum you put $500; that was substantially the minimum?—A. $500.

Q. You spoke of that being the net wages. What did you deduct?—A. Supplies sold them; that includes their coal, you know.

Q. (By Mr. RATCHFORD.) Testimony has been given by other operators from the anthracite district showing that wages of the miners were in the neighborhood of $2 a day. I want to ask you how your company can compete and pay such wages?—A. That is a pretty hard question to answer; I simply know what we paid, and I know that we are competing.

Q. You did not find any disadvantage in doing so as against the others by reason of that?—A. I presume that our coal costs more; if they only pay $2 a day and we pay $5, we pay more.

Q. You sell it practically at the same prices and it costs just as much to haul it to market?—A. That belongs to the sales department; I presume they sell it at the same price.

Q. Have you any stores in connection with your mines?—A. No.

Q. Houses, tenement houses?—A. Very few.

Q. Has your company any agreement with any other companies as to the regulation of the output?—A. Not that I know of.

Q. Or as to the selling price?—A. Not that I know of; that is the sales department.

Q. (By Mr. JENKS.) What are the supplies that you keep on hand to furnish to miners and that you deduct from their wages?—A. Well, I referred to coal, oil, and powder.

Q. Tools?—A. We sell very few tools; they buy most of their tools outside.

Q. (By Mr. KENNEDY.) You said that you were at the head of the coal-mining department of the Delaware, Lackawanna and Western Railroad?—A. Yes.

Q. Is not the sales department of that company under your direction?—A. No.

Q. What company is it under?—A. It is under the head of the Delaware, Lackawanna and Western Railway Company.

Q. The railroad company?—A. The sales department.

Q. You have no official connection with that department?—A. No.

Q. You said the prices of coal were quoted by the sales department. Do you know who fixes those prices in the sales department?—A. No.

Q. Well, are they not arbitrarily fixed by somebody in the sales department?—A. They certainly must be fixed by somebody in the sales department; whether it is arbitrary or not, I do not know.

Q. You do not know whether it is done in connection with any other railroad officials?—A. No; I do not know anything about it.

Q. Well, you must have knowledge of the railroad charges for transporting coal from the mining districts to tide water?—A. They are all published.

Q. Well, can you state what they are from a given point?—A. I have not got them in mind.

Q. Is it so much per ton per mile from any one point or from every point?—A. It varies to the different points, as I was telling you; every station has a different rate.

Q. You do not know what it is from any one station—A. No; I have not got them in mind; it is a big tariff sheet, you know.

Q. Has the Delaware, Lackawanna and Western considerable land—mining land—which is not worked?—A. I believe it has.

Q. Do you know anything about the extent of it?—A. I have not in mind the acreage.

Q. Well, do you know how they hold that land? Is it by lease or outright purchase?—A. In fee.

Q. (By Mr. PHILLIPS.) Do you know how many acres your company holds in fee?—A. I do not.

Q. (By Mr. CLARKE.) Do you know whether your coal brings a higher price in the market than that of the Reading Coal and Iron Company?—A. I do not.

Q. Who can tell us how the price paid by the consumer, say, at Boston or Cleveland or any other point, is divided between the transportation and the coal companies?—A. Anybody that has got a tariff rate. The price of coal at a given point is so much and the tariff is so much.

Q. What is the price of your coal at your place of mining where you deliver to the railroad?—A. Well, we do not have any price at that point.

Q. Is there not a pretty generally prevalent price?—A. Not that I know of.

Q. In your vicinity?—A. No.

Q. Well, would it be $2.50 or $5 or $6 a ton?—A. I do not think it would be either. That is a thing that is adjusted in individual cases. I mean by that that there are a great many outside operators, a great many people who come in competition. Coal has no regular price right in the mining region in the different sizes of coal.

Q. What is the prevailing price in the mining region for coal delivered free on board?—A. It is sold all the way from 70 cents to $2.

Q. All the way from 70 cents to $2?—A. That is, the sizes vary; there is a different price for each size.

Q. Well, now, that same coal would be sold to a consumer in Boston for $6.25 and $6.50 a ton?—A. I do not know that.

Q. Who gets the difference? Of course the railroad company gets part of it, perhaps 1 or 2 dealers get part of it, but who can tell us about how that is divided up?—A. I do not know. You see you are getting into the railroad business there; that is entirely out of my jurisdiction.

Q. The president or the auditor would be most likely to know about it?—A. As I say, it is a matter that anyone can figure on by the tariff rate. The difference between your tariff rate and the market price is what you get for the coal.

Q. (By Mr. KENNEDY.) Mr. Loomis, have you ever heard such expressions as the Philadelphia and Reading carrying 20¼ per cent of the capacity, and the Delaware, Lackawanna and Western 11 per cent of the capacity—something like that?—A. I presume that it means that its mining capacity is about that, as compared with the total mining capacity of the anthracite region; that is what I should judge, although I have no personal knowledge of it.

Q. They are entitled to haul 20 per cent of the entire product of the anthracite region?—A. I presume that is adjusted on their ability to mine, their capacity to mine.

Q. (By Mr. PHILLIPS.) What railroads handle the most of the anthracite coal, and about in their order, if you know?—A. Well, I could not say positively; the Philadelphia and Reading, the Lehigh Valley, and the Delaware, Lackawanna and Western. Just what the percentages are I only know as having read them; they are published.

Q. (By Mr. JENKS.) You said you were not working your mines to their full capacity a good part of the time; who is it that determines whether you shall work part time or full time; where do you get your orders?—A. The market. The sales department determines it; in the selling of coal, if the market demands a certain amount of coal, I mine it.

Q. Then, practically you get your instructions from the sales department; they say, there is so much coal called for, give us so much?—A. They say there is a demand for so much coal, and I simply mine it.

Q. And they say that during the coming month you can dispose of half as much as the preceding month, and you take it out accordingly?—A. They are governed entirely by the weather conditions, I suppose.

Q. As far as you are concerned, the matter comes to practically this: You want so much coal this month; how often do you have that determined—from month to month?—A. No; every day.

Q. Every day?—A. Just what they can sell.

Q. It comes in the form of orders for you to fill, and you are able in that way to adjust your output from day to day—you simply mine to fill orders?—A. To fill orders.

Q. When you have no orders to fill you stop; you do not stock up?—A. We have no facilities to stock up ahead.

Q. (By Mr. KENNEDY.) Do you know whether you hold any mining lands by lease or not? It has been stated here that large tracts of land are held in that way by some of these mining companies in the anthracite regions.—A. As I said before, we lease properties in the vicinity of certain of our breakers on a royalty basis; we pay so much a ton for the coal that we take out.

Q. You know nothing about other tracts that are leased that they do not intend to mine for say 10, 20, or 50 years?—A. No; I do not know of any such instances.

Q. (By Mr. C. J. HARRIS.) What is the royalty per ton on these mines?—A. That varies; there is no stated price; of course, leases made years ago are cheap royalty; those made recently are more expensive.

Q. Those made at the present time?—A. Run all the way from 8 to 55 cents per ton.

Q. (By Mr. RATCHFORD.) Has your company any connection with the Delaware and Hudson Canal Company?—A. No.

Q. In mining coal you usually have 2 men work in the same chamber, do you not?—A. I think as a rule they have that.

Q. Each miner pays his own laborer?—A. Yes.

Q. I have here a statement issued by the Delaware, Lackawanna and Western Railroad Company for the month of February, 1898, showing the average amount earned by the miners to be $83.60; deducted therefrom for supplies, etc., $18.95; leaving a net balance of $64.65. That is for two men, I presume, is it?—A. I do not know; I was not in charge of the mines at that date.

Q. Well, what is the rule? Is it not a fact that the miner receives pay for all the coal that may come out from that particular place, and that the laborer looks to him for his wages?—A. If he has a laborer, yes.

Q. How do those figures harmonize with the statement of wages you have given? How do you explain the difference of the figures shown here as compared with the wages you have put as the average?—A. As I say, I know nothing about last February.

Q. Have the wages been advanced since February, 1898?—A. February, in the first place, is the shortest month in the year; in the second place, it is apt to be the dullest month in the year, and I have no knowledge whether that man had a "buttie," or laborer, or not. I do not think that price is figured or averaged from the figures I stated.

Q. There was evidently a pretty steady month's work. There are 5 kegs of powder charged and 5 gallons of oil. What was powder selling for per keg?—A. $2.75.

Q. $2.75; do you know any reason why such a great variation in the price of powder should exist? We have testimony showing where it sold at some mines at $1.50?—A. I only know that from what I have been told, coming into that region, that the price of powder formerly was $3 a keg—under some old agreement—and the powder is used as a unit or basis on which the wage is figured.

Q. Well, if that system is carried out, why should the price of powder not be the same in one mine as another, since they are working on the same rates under the general agreement?—A. Well, I would like to say that the real question after all is what the miner receives, what he draws from the pay car.

Q. If a miner receives $10 a month in one case more than he does in another and pays back $11 or $12 to the company, wherein is the advantage to him?—A. I do not think he does.

Q. I understood it was the inference you were trying to make that the real question after all was what he draws out of the pay car?—A. Yes.

Q. If all other things are equal there is certainly a disadvantage to the miner who pays a greater price for his powder?—A. If all other things are equal.

Q. Well, wherein are they unequal?—A. I am not in a position to say.

Q. Powder costs the different companies about the same, does it not?—A. I do not know.

Q. Do you believe it does?—A. I have no knowledge; it would only be a guess; I do not know what our powder costs. We buy it through our purchasing agent.

Q. Are your mines principally in the Lehigh regions, or otherwise?—A. I have not been in charge of those properties long enough to know just where those lines are drawn between the different regions; I do not think we have any mines in the Lehigh region.

Q. (By Mr. KENNEDY.) Are the miners free to purchase powder from whomever they please?—A. No.

Q. They must purchase from the company?—A. They are expected to purchase from the company.

Q. Does the company make a profit on the sale of the powder to the miners?—A. I think it does.

Q. Could you say what that profit is?—A. Not knowing what we pay for it I can not say.

Q. (By Mr. RATCHFORD.) You do not think it is sold at cost in any case, do you?—A. I do not.

Q. There is always something made out of it?—A. Yes.

Q. Have you any connection with the Forty Fort Coal Company?—A. No.

Q. With reference to the company store, you said your company does not operate any store; do you deduct from the miner's wages any bills he may contract in any other store?—A. No.

Q. You pay in cash?—A. Yes.

Q. How often?—A. Once a month.

Q. (By Mr. KENNEDY.) Since you have been connected with the Delaware and Lackawanna Company, has there been any complaint between the company and others that you were hauling more than your per cent or capacity of coal?—A. No. All I know about that is that the mine inspector's report shows that the Delaware, Lackawanna and Western collieries are not working any better time, nor as good, as a good many of the individual operators.

Q. (By Mr. CLARKE.) Do you ever have any difficulty in getting all the help you want in your mines?—A. No.

Q. You can not, generally, employ all that offers, I suppose?—A. I could not say; our foreman could answer that. There are some who come there for employment that we have to turn away.

(Testimony closed.)

WASHINGTON, D. C., *Friday, March 9, 1900.*

TESTIMONY OF MR. C. R. MARCY,

Superintendent Raub Coal Company, Luzerne, Pa.

The commission met at 2.05 p. m., Vice-Chairman Phillips presiding. At 2.50 p. m., Mr. C. R. Marcy, of Luzerne, Pa., superintendent of the Raub Coal Company, was introduced as a witness, and, being duly sworn, testified as follows concerning conditions in the anthracite coal region:

Q. (By Mr. RATCHFORD.) Will you please give your full name and address?—A. C. R. Marcy, superintendent Raub Coal Company, Luzerne, Luzerne County, Pa.

Q. How long have you been superintendent of that company?—A. Ever since it was in existence.

Q. How long is that?—A. Well, it was first in existence as the Raub Coal Company, Limited; it was changed after a while—I can not just tell when, 3 or 4 years ago—into the Raub Coal Company.

Q. What is the annual production of your plant?—A. We have been a very small concern; I think last year our production was about between 120,000 and 130,000 tons.

Q. And what markets do you find for your coal?—A. We always market our own coal wherever we can get markets.

Q. Where is the bulk of it sold?—A. That would be pretty hard to say.

Q. Do you sell any at tidewater?—A. Yes; from Richmond to Boston.

Q. What lines of road do you ship over?—A. We ship over the Lehigh Valley, Delaware, Lackawana and Western, and Pennsylvania.

Q. Do you ship under the published tariff rate?—A. Yes.

Q. You have had no percentage agreement with any of the carrying companies?—A. No; always under regular tariff.

Q. Do you know of such an agreement being in existence between the carrying companies and any of the operators?—A. I do not; we never had one; we have been in business for 9 years; we have always handled our own coal and always attended to our own business, or tried to. Outsiders I know nothing at all about. I have heard commonly spoken of contracts of the Delaware, Lackawanna and Western

with different people, but I do not know anything at all about them; never saw one. We never cared, in fact, to know anything about them.

Q. You have never been asked to make any such arrangement with the carrying companies?—A. Not to my knowledge.

Q. Do you own the coal that you are mining or is it leased?—A. Leased.

Q. From whom?—A. Various parties. We started in and took up a little piece here and a little piece there; I suppose we have got 10 or 15 different leases.

Q. (By Mr. JENKS.) Do the prices that you get for this coal in these different markets, from Richmond to Boston, vary about with the freight rates, so that it nets you about the same price?—A. For years past we always, I might say, sold our own coal directly. At that time I was more conversant with the general prices in the different markets than I would be to-day. For the last 2 or 3 years we have sold our coal at the mine.

Q. At the mine?—A. To individuals. We are selling our coal to-day to Meeker & Co., of New York.

Q. Does one individual take your whole output?—A. Takes our whole output.

Q. And he distributes it as he chooses?—A. At the same time we bill this coal according to his dictation, whether it goes to Richmond or whether it goes to Maine. We bill it on the Pennsylvania road and we bill it on the Delaware, Lackawanna and Western road, and we bill it on the Lehigh Valley road; the price that he receives for the coal I do not know anything at all about.

Q. In the bills you make out you make them to those who purchase from him, do you not?—A. No; we make bills only to him.

Q. You simply bill to him directly and ship it over whatever road he directs?—A. Bill it to him and ship as he directs.

Q. (By Mr. RATCHFORD.) Is that individual in any way connected with railroad transportation?—A. No, not to my knowledge; simply an individual shipper of coal, and his father before him was an individual shipper of coal, a shipper of coal from the company for years. I have known of the concern from, I think, March, 1898 or 1897.

Q. Do you receive for this coal the value, the price at the mine, or does your price fluctuate according to the market values?—A. Our price fluctuates according to the Lehigh Valley price.

Q. Then, when you sell this individual a car of coal, you do not know what it will net you per ton until it is marketed, do you?—A. No.

Q. (By Mr. JENKS.) I do not quite understand what you mean when you say it fluctuates with the Lehigh Valley price?—A. Well, there is not much fluctuation about it probably, but at the same time if I were asked to give the specific price that I was to receive for my coal for this present month, I could not do it; I do not know.

Q. (By Mr. RATCHFORD.) It depends on what the man who has taken it off your hands will receive for it in the market?—A. Yes; it is virtually on a sort of commission. He sells the coal and this price he returns to us virtually is the selling price, less his commission to him for handling the coal for us.

Q. (By Mr. JENKS.) Do I understand by that that he sells at the Lehigh Valley prices?—A. I do not know what he sells at.

Q. (By Mr. CLARKE.) Do you understand that he sells on commission?—A. No; he buys the coal and it is brought to his own stocking house, at his own wharfage.

Q. Then he can pay you what he pleases?—A. No; this, of course, would be open to our inspection and we would be satisfied. As it has run for a year or two we have been getting as much money as the average operator and have been satisfied and have not investigated it at all.

Q. (By Mr. JENKS.) When you say the Lehigh Valley price, what does that mean? Does that mean that somebody is to pay you the same as the Lehigh Valley is paying to independent operators and others?—A. Yes.

Q. That is what it means?—A. Yes.

Q. The Lehigh Valley is also buying coal from individual operators on that precise arrangement?—A. I hear they have done so; I do not know anything about it at all.

Q. (By Mr. C. J. HARRIS.) I understand the Lehigh Valley price is the market price for coal in that neighborhood, just the same as quotations are made daily for the price of cotton or anything of that kind?—A. No; I do not think there are any daily quoted prices. I do not think that I should say any more Lehigh Valley prices than ordinary market prices.

Q. (By Mr. RATCHFORD.) The Lehigh is a large competitor?—A. It is a large competitor.

Q. And your coal must meet the quoted prices of that coal in the market?—A. We are generally guided by that. Our coal must net as much as the Lehigh Valley price according to the general market price.

Q. I understand you to say—if it is wrong correct it—that when you sell this man

a car of coal at the mine you do not know what it will net you per ton until he has marketed it and reported to you?—A. That is correct; yes.

Q. (By Mr. CLARKE.) Then you do not sell for an outright price?—A. No.

Q. (By Mr. RATCHFORD.) Would you care—I do not want you to answer the question unless you think it is proper—would you care to state the general basis on which this man is working, upon which he is selling the coal? He evidently receives certain tonnage prices for the part that he takes in it—pays the freight. Does he get one-half, one-third, or what proportion, if you care to answer?—A. Of course, it is based on various prices, on various sizes. I will say from 40 cents or 32 cents; that is about where I have gone for No. 2 coal—32 cents to $2 or $2.25.

Q. Is it usually that?—A. No; that would be our net.

Q. That would be net; yes?—A. Our net end of the business. That would pay us up from No. 2, buckwheat, pea, chestnut, stove, egg, and broken. They run up and they run down, and it is a very hard matter to give the prices. I would not attempt to give them without having the figures to do it with. They vary from month to month and the sizes vary, and it would be impossible.

Q. (By Mr. KENNEDY.) Is there as much left in the business to you by selling the coal as you do to one party in New York as there would be in selling it to the railroad company at from 60 to 35 per cent of the tidewater market price, at the mine?—A. Well, we believe there is or we would not sell it to this man. I have handled our coal, handled it myself as superintendent and general manager of the company, for years until about three years ago. Since then I have sold it to an individual for the simple reason that to handle your own coal takes a great deal of time, and you are taking a great many chances. You have got to know the market as far as you can reach, to know it all and to keep in touch with it all, and it costs a great deal of money. You take a man that handles a great many collieries and he can do those things, I presume, cheaper than we can do them and get the benefit of it. If our company had not felt we were making as much money I do not suppose we would have made the contract.

Q. Making as much money how?—A. By selling it to an individual rather than to market it. We never cared to make a contract with any individual company, because we preferred to be free to dispose of our coal where we saw fit; at any rate, instead of agreeing to ship it all over one road, in my situation I have three roads to ship coal over instead of one.

Q. Do some of the independent operators in your vicinity sell to the railroad companies on this 60 to 40 or 35 per cent basis?—A. That I do not know.

Q. Have you no knowledge on the subject?—A. I do not know what they do. It is presumable that some of them do; still, I do not know what they do.

Q. Have the companies ever made any offers to you in that line?—A. No; not to my knowledge.

Q. Do you know that you could dispose of it to them on those terms?—A. No; I do not know it; I know that once, 4 or 5 years ago, when we were sledding pretty hard I tried to dispose of it and could not do it.

Q. (By Mr. RATCHFORD.) Is that not about the basis of division between you and the party who is marketing your coal—60 and 40 per cent?—A. No.

Q. It is not?—A. No; we thought we could do better than that.

Q. (By Mr. CLARKE.) When there is such a basis, which gets the 60?—A. I presume the shipper does, the seller does. If he does not, he is off.

Q. (By Mr. CLARKE.) Do you know how the coal prices are fixed in New York?—A. No; I do not know anything about that.

Q. Do you know whether this gentleman who buys from you sells to wholesale dealers entirely or not?—A. I presume he does, not knowing. I do not know whether he sells to individuals, but he could not handle the tonnage that he handles and sell to individuals; he must sell to wholesalers. He handles coal from various other collieries besides our own.

Q. (By Mr. PHILLIPS.) Have you any complaint in regard to freight rates? You have different lines; there is some competition, is there?—A. Naturally; we have no cause for complaint. Naturally all of us want low freight rates, but if you mean by that question whether we have ever been discriminated against, I would say no.

Q. You have not been discriminated against by any of the lines?—A. No.

Q. (By Mr. KENNEDY.) What is the present rate you pay to tidewater?—A. I do not know, if you mean at the present time.

Q. Can you state about what?—A. I have never looked into it. Prior to the time we began to sell to one person, it ranged from $1.45 to $1.60 on prepared sizes. On lower sizes it would be less; just what, I can not remember.

Q. Do you know what that was per ton per mile?—A. I could figure it out. I presume from Luzerne to New York, 150 to 160 or 170 miles—something like that—we paid at that time from $1.45 to $1.60. I figured it out at one time at 11 mills; and I have figured it at 9 mills.

Q. Is not 10 mills about the average?—A. Well, I should say from that, at that

time, it was. As I say, since we have been selling our coal to an individual, at the mine, I am not in position to know anything about the freight rates, because I have not looked into them at all; the net price that we have received there at the mines.

Q. (By Mr. JENKS.) Have you ever had any reason to think, or has this company that you sell to had any reason to think, that the railroads were blocking shipments of your coal at all by delaying the sending of cars to you as freely as you wanted them, and favoring their own mines?—A. Well, I could not say that. I have been fully supplied with cars for the simple reason, as I told you, that I have had three sources to draw from. If I could not get the Lehigh Valley, I could get the Pennsylvania. If I could not get the Pennsylvania, I could get the Delaware, Lackawanna and Western.

Q. You have not had any trouble about that?—A. Yesterday we had a little trouble for a day because we could not get cars. The big storm up through Buffalo and New York State delayed the cars, but they will fill up.

Q. It is no matter of discrimination, you think?—A. I do not.

Q. (By Mr. KENNEDY.) Do you ever hear of any of the independent operators complaining that they are discriminated against in that way?—A. No; I never see a great many of them. It keeps me pretty busy at home to keep the place running.

Q. (By Mr. CLARKE.) Do you lease all your land from one owner?—A. No.

Q. About how many owners?—A. We have 8, 10, or 12 different leases.

Q. Does either of these railroad companies own a good deal of it?—A. No; but we have got a little piece of land that we lease from the Temple Iron Company, and that is a sublease. They in turn lease from the Lehigh Valley Coal Company. That is a piece that was isolated from their working. We have had the mining of that. We leased a portion beyond it.

Q. Is it not a fact that the railroad companies own most of the coal land in that vicinity?—A. No; they own very little of it in my immediate vicinity. The Delaware, Lackawanna and Western owns a great deal of coal land, but not right in where we are. The Lehigh Valley owns and operates and leases some above us.

Q. Do these railroad companies lease large quantities of land so that the lessees can sublet it?—A. Do you mean they lease it in order to sublet it? No, I think not; I do not know of any cases. I do not know of a sublease in our immediate vicinity, with the exception of our own, and that was simply, as I told you, a matter of a a piece isolated to them and adjacent to us.

Q. (By Mr. PHILLIPS.) About what per cent, if you have the knowledge, of the discovered anthracite coal is worked out?—A. I do not know.

Q. Can you make any estimate in that regard?—A. No. All that I know in that regard would be newspaper talk.

Q. Do you consider the anthracite coal practically inexhaustible?—A. Not by any manner of means. My individual impression would be that if you see another fifty years of anthracite going as it does now, you will come pretty close to seeing the end of it. I have not the figures.

Q. The area is not a very large one?—A. Small areas, small tracts—the Wyoming region, the Lehigh region, Shamokin and down through there a little piece, and the Lackawanna district—that is about all the anthracite coal that there is in the State that is discovered at the present time.

Q. (By Mr. CLARKE.) Are you willing to state what you get at the present time for stove coal?—A. Yes; I think it would be, last month, $2.37.

Q. (By Mr. RATCHFORD.) That is for your best grade out of the mine, is it?—A. I would not say it is our best grade at the mine.

Q. It is your best grade on board the car at the mine?—A. I would not say it is our best grade; we get the most money for it. That is an exceptionally high price. Last month was a good month. During the last year I have taken down to $1.97—say $1.97 to $2.10. About $2.06 or $2.07 has been our average on stove coal the last year, and that is the highest price for any of the grades.

Q. (By Mr. CLARKE.) Do the miners work under contract or by the day?—A. They work under contract.

Q. How much do they make?—A. That is a very hard question, because the miner is a little peculiar. Sometimes some of them will work 3 hours and some of them will work 5 hours and some of them will work the full time. I think I can give you pretty near what my miners averaged last year.

Q. (By Mr. RATCHFORD.) How many do you employ?—A. I think I have got about 125 what I call live places—that is, about 120 or 125 places that are supposed to be working.

Q. You have that many miners, have you?—A. Yes. This would take every man, regardless of whether they work full time or whether they work an hour a day or 2 hours a day—simply their earnings, net earnings, after all deductions for powder, supplies, and oil, and whether they load 1 car or more. Seven cars is supposed to be a shift. If every miner would load his 7 cars every day, Mr. Loomis's figures would be under the rate that the miner should earn. Twenty-three per cent of my

own miners earn less than $300, 47½ per cent earn between $300 and $500, 29.8 per cent earn from $500 to $800 and $900, and some few of them $1,000.

Q. (By Mr. CLARKE.) Have you any reason to suppose that there is any essential difference between the earnings of your miners and those of Mr. Loomis and others?—A. I do not know anything about it.

Q. (By Mr. RATCHFORD.) How many miners have you got who make it a habit of working an hour or two in the day?—A. It would be easier to ask how many miners I had that could go in and work a full day.

Q. How many miners have you that can go in and work a full day, if you do not care to answer the question any other way?—A. We call a full day 10 hours. I do not suppose I have got a half dozen miners that would go to work for 10 hours; I do not think I have got 3 men.

Q. How many hours do they work?—A. Four, 5, 6 hours, and sometimes 7.

Q. (By Mr. KENNEDY.) You say they are paid by the ton?—A. They are paid by the car.

Q. What will that figure out per ton?—A. I never figured it.

Q. You do not know how much a ton they get?—A. We have a 77-foot car that we pay a dollar for.

Q. How much in that car?—A. About 2 tons.

Q. That would be 50 cents a ton which they get for mining?—A. That is about it; yes. We have another car that we pay 85 cents for; that is a 66-foot car.

Q. What other cost is there per ton?—A. It depends on what place they are mining. They pay yardage, gangway price, yardage on the rod, width—it depends on the thickness of the vein, thickness of the rock they have to handle—yardage is from 50 cents to $1.50 on breastwork. That is fixed by an agreement made by the mine foreman with the miner.

Q. Would you care to state what the cost of a ton of coal is—the average cost of delivering it on the car?—A. I have not those figures; I can not make a statement like that without a general computation.

Q. (By Mr. RATCHFORD.) Is it not very exceptional that a miner will go into the mine and work for less than six or seven hours? Is it not a great exception to the rule?—A. It is the exception to find a man that will work longer than that. You take some deep shafts, where they go down and can not come out until the coal is taken the last time, and they may possibly be longer, whereas our men are out and in as they see fit.

Q. Well, where they are free—I am speaking of a drift mine, for instance—where they are free to enter and depart from the mine at their pleasure, is it not a fact that they work that length of time usually or longer?—A. I would put it the other way; I would say that they work that length of time or shorter.

Q. Six or 7 hours or less?—A. Yes; I would say it is exceptional to have a man work over 7 hours.

Q. At the face of his working place?—A. Yes.

Q. Then it takes some time to go from the mouth of the mine to his working place and some time to come back, does it not? How much of a man's time does that take?—A. Ten or 15 minutes.

Q. it not a fact that when a miner comes out in the afternoon early he usually loses nothing by it?—A. It is an absolute fact that where he loses nothing by it the company does.

Q. How? Explain.—A. Well, if a man comes out and has left some cars running we anticipate no more cars, and that lessens the coal. And if he leaves it for the laborer he will take the chances, 10 to 1, and the laborer will hustle it through and load dirty coal, and we have to stand the brunt of it.

Q. These cars are distributed to the miners in their order?—A. As near as we can; yes.

Q. Each driver having so many cars to call for?—A. Yes.

Q. When a man, for instance, fills his last car at 2.30 or 3 in the afternoon and sees that the turn for a car is not going to reach him between that and quitting time he generally comes out; in that case he does not lose anything by it, neither does the company?—A. Well, I can not see that. The cars are coming to him just as fast as they can get there.

Q. Well, ordinarily it takes a given length of time to get around—for the driver to get around and give each of his men cars?—A. That is true.

Q. And he does it in turn?—A. That is true.

Q. Giving a car, for instance, to A and then coming down to B. Now, a man who has this work every day knows about how long it will take his driver to make that turn; and the point I wish to bring out is this: That a man may come out of the mine in the afternoon at 2.30 or 3 o'clock or half past 3 o'clock and lose no car by it, and the company loses nothing by it.—A. Well, I do not see it that way; they can not do it. Here is a gangway and here is a roadway through and a dozen of the miners, just as you say, and the cars are distributed just as you say, and it is

presumable they get around at just such a time, and here are 3 or 4 men gone out; we do not stop to leave cars for those fellows that have gone out; the next crews have gone out, and the cars have gone from the front to the men who are in. If all the miners would stay in, it would be about as you say. When they begin to drop off, the first thing we know the cars can not go through, the production drops off, and we have got to stop. It is a frequent occurrence that I would like to run until 6 o'clock, but I am compelled to stop at 4 because the supply is falling so short that I can not afford to keep the plant in operation. If the men would stay there and perform their work, each one of them, we could go right on.

Q. (By Mr. C. J. HARRIS.) Can you not compel regular working hours?—A. No. If 10 men come to the foot of your shaft you have got to let them up, under the law. There is only one way we can compel them; we can say you can come up, but you can not go down.

Q. (By Mr. RATCHFORD.) Are your men organized into a union?—A. I do not know as to that; I know a portion of them are; what per cent I do not know.

Q. Do you treat with them as a body or collectively?—A. Well, that is funny. I have had a little experience with them lately. I had a committee, and I had various committees, and I disposed of a committee from the United Mine Workers within 3 days; they left me perfectly satisfied. They took the position that I was not paying the same price as other individuals. I treated with them right through for the simple reason that I knew that I was, and I asked for an investigation. If I was not, I was perfectly willing to be excused in the interest of my employers after investigation. I agreed to meet 3 of them at a certain hour, at 10 o'clock, and they did not get there; they telephoned that they would be there at 1.30, but I could not meet them, and it was postponed. Last Wednesday they telephoned me they would like to meet me at 2.30, and I met them, prepared to talk figures, at my office; and the gentleman in charge—I do not know his name, he was not one of our workmen—told me that it was useless for me to produce figures or use them in going into it; that they had made an investigation and that I was paying as much as anybody else. They had not asked me to advance any prices. I told them previously that, as an individual operator, I did not think it was fair to ask me to make an advance; while I was willing to follow, I was not willing to be the pacemaker.

Q. Do you know this gentleman?—A. I know him by sight; I do not know his name.

Q. (By Mr. CLARKE.) As I understand it, your miners are contractors; they are not wage-earners?—A. The miners were perfectly satisfied with what they were getting; of course we have always exceptions to all rules.

Q. Do you think it better to carry on mining by contract than by wages?—A. We could not mine coal any other way.

Q. Why not?—A. There would be the bother of keeping a foreman and keeping men to look over a lot of laborers in different rooms and different localities, all in the dark, and it would be more than we could keep up; you would have to have more foremen than men, and you could not do it. It is done by contract, and in some cases, I presume, done by company work.

Q. There is not much for a union to do for contractors, is there?—A. I do not see what there is to do; no.

Q. (By Mr. RATCHFORD.) The only difference between your system and the general system that prevails for mining coal is the fact that you pay by the yard and usually it is paid by the ton?—A. No; I guess in our whole community the system is alike.

Q. Paid by the yard?—A. Paid by the car. We have many places that there is no yardage on.

Q. I understood one of the witnesses to state this morning that work was paid by the yard.—A. We have the car. We have some places where it does not pay for a miner to mine coal. We do not vary the car price; it is a stationary price.

Q. Now, wherein is the difference between paying by measure, which is your present system, and paying by weight?—A. I do not think there is any, except the additional trouble and bother you are put to to weigh it. I do not know but what it would be just as equal as any other, probably more so. You might let the miner load the coal with a lot of rock.

Q. Do they sometimes load coal with rock?—A. It is pretty hard work to keep a man from doing it, I can tell you. I have had car after car come out with from 12 to 2,200 pounds of rock topped off with coal. On every car loaded they were loading rock.

Q. Do you know who sent it out in all cases?—A. Yes.

Q. What do you do?—A. Tell him to stop it.

Q. Do you send him out?—A. Frequently we may stop his car for 2 or 3 days and notify him. If he does not see fit to stop it then, in a case that is not especially bad he might be notified a second time, but never the third time.

Q. Do you run a store in connection with your works?—A. No.

Q. Do you pay your miners in cash?—A. Yes. There is a store there that we col-

lect for. It is discretionary with the miners to trade there; or rather it is done at the solicitation of the miners.

Q. What agreement exists between that store and your company, if any, with reference to collections?—A. Not any.

Q. Do they pay you for collecting anything?—A. Nothing to speak of. They pay clerk hire, about what it costs to make the collection; we do it simply as a benefit to the men and are not solicited to make any difference in favor of this store. If the miners do not see fit to trade there, they trade where they will; if they want to trade there they can do so.

Q. Are the men pleased to have you do it for them?—A. Yes; I should say they were. If they were not they would not trade there; there is no question, they do as they please. Frequently it becomes a matter with a man's family; if he did not trade there the family would starve to death while the man is drunk.

Q. Does your company sell powder to miners?—A. Yes.

Q. What is the price that you sell it for per keg?—A. $2.50.

Q. There is a fair profit in it, is there, at that price?—A. We do not count it as a profit. It goes to the cost of mining. The profit is based on how much you make the price. It may be a certain profit is to be derived there, and it is figured in that way, and that must, of course, be equal when we start up mining and follow the lead of our neighbors.

Q. Do you know what it costs to the company, or do you care to state?—A. Well, it will cost probably $1.50.

Q. Cost $1.50?—A. Well, I will say that, I do not know what the price has been.

Q. $1.50 with freight paid on it?—A. There is some haulage connected with it.

Q. Then it would appear that some of the companies sell it at a loss; some of them sell it at $1.50; if it costs $1.50 and some cost is attached to it in the way of haulage, they are selling it at a loss?—A. Well, they might buy it cheaper.

Q. Do you believe they do?—A. I do not say as to that.

Q. (By Mr. MANTLE.) Is any member of your company interested in the store for which you make collections?—A. That is a question which I do not know. The store belongs to A. L. Davenport & Co., but whom the firm is composed of I do not know.

Q. Do you own any of it?—A. No.

Q. Is your company connected with any transportation company in any way?—A. No.

Q. Has your company ever been a party to a combination or to any agreement to control the product or prices of coal?—A. No.

Q. Or to act in unison with any other coal company or producer of coal?—A. No.

Q. For the purpose of fixing the price of coal in any way?—A. No.

Q. Do you know of the existence of anything in the nature of a coal trust?—A. No.

Q. Do you know whether this man to whom you sell your coal is in any wise connected with any combination or trust?—A. I would answer no. I would further answer that I am fairly well assured that he is not.

Q. Do you believe from such information as may have come to you that there is a combine or trust which exists for the purpose of controlling prices of coal—anthracite coal?—A. I have nothing on which to base the belief.

Q. Has anything transpired in the management of your business that would lead you to believe that the prices of your product were being fixed by any combination?—A. No.

Q. You have already stated that you were in a position to dispose of your product?—A. As I see fit.

Q. Without any restriction whatever from outside?—A. Yes; I have done so for 9 or 10 years, since 1891.

Q. You have never felt any pressure from any railroad companies or any coal dealers; you feel that you have a fair open chance in competition with everybody?—A. I have sold coal from Richmond to Maine.

Q. You are satisfied, then, that the conditions, as they exist with reference to the disposition of what coal you produce, are equal?—A. Individually I am. Of course, I would not speak for my whole company; I do not know anything about that.

Q. What per cent of the anthracite coal is produced by what you term independent miners; have you any idea?—A. I believe there is from 40 to 50 per cent of it.

Q. Produced by independent concerns?—A. Well, by independent or lessees—lessees from coal companies; they may be tied up to coal roads for all I know by their leases. In our immediate vicinity we are principally individual shippers.

Q. You think 40 to 50 per cent is produced by independent miners and lessees?—A. Well, I do not know that I should say that. Down through Lackawanna and Shamokin and other regions outside of our immediate vicinity I know very little about it. I am speaking of my immediate vicinity.

Q. Are the conditions with reference to the laborers, miners, and others connected with this coal production practically the same with the individual producers and the railways and all other coal companies?—A. Yes.

Q. The conditions that regulate the mines, the pay, and all that sort of thing are about the same?—A. Yes; on the whole, I should say so, in my immediate vicinity. I know nothing about outsiders. I have occasion to know my immediate vicinity for the simple reason that I have just gone over it and compared prices and I find a great similarity of course as to car prices, but you take yardage and those things and it must vary in accordance with the vein.

Q. Well, similar conditions, I suppose, exist all over the coal regions?—A. Similar conditions; similar prices.

Q. Are the conditions similar as to the prices paid for the labor and material?—A. Yes; if they were not the men underneath would not be able to get helpers to-day.

Q. You personally, as I understand, have no objection to labor organizations as an employer?—A. Well, I did not say so; I do not think the question was asked me as to my opinion.

Q. Do you employ union labor?—A. Yes; I employ any kind of labor that comes, regardless of creed or nationality.

Q. Do you discharge men because they belong to a labor organization, to union labor?—A. No; I have got a great many union men with me now.

Q. Do you require a man when you hire him to say whether or not he belongs to a labor organization?—A. No; I do not require him to say whether he belongs to a union or whether he belongs to the church or whether he belongs to the United States or Italy, as long as he does the work for us at the price fixed, and he is just as welcome to me whether he is a union man or a nonunion man.

Q. Does that sentiment exist generally among the independent coal operators?—A. I believe it does.

Q. Is it the rule or does it occur frequently that employees of these independent coal mines are compelled to trade at company stores, so far as your observation goes?—A. I do not know of any such cases.

Q. Are you familiar with the companies in that respect?—A. Yes; fairly familiar with the Wyoming Valley.

Q. Well, in that region you do not know of any?—A. I do not know of any store where there is any compulsion about it; still I do not know that there is not. I know that as far as we are concerned we have no store; we have nothing that they are supplied with. We have issued orders on various stores; at present I am issuing on Davenport & Co.; we used—when Waddell was in the business—to collect for Waddell. I have sent to Atherholt.

Q. You do not attempt to speak generally as to conditions? You speak with reference to your own county?—A. No, I do not know; no, I can not speak of anything but what I know personally.

Q. What are the nationalities of your employees?—A. They are Americans, Irish, Poles and Slavs, and Hungarians, probably principally Hungarians, Slavs, and Poles.

Q. Are they American citizens, voters?—A. Some are, some of them are not.

Q. (By Mr. RATCHFORD.) Do you prefer these foreigners to American miners?—A. No; we do not. Although we have very many Poles, and very many of each class, that are good men—good workmen, we have a very great many of them that are awfully poor workmen; we had it so with the Americans, too.

Q. Is any system of blacklisting carried on among the operators of your district, that you know of?—A. I could not say. I have heard of it. I have heard of blacklisting, but I never knew it. I do not believe there was a miner in the valley that was ever blacklisted—that is, during my time. I positively know that there was none ever blacklisted to me or by me.

Q. You stated rather earlier in your testimony something with reference to drunkenness among these men; is it generally true of them that they neglect their work and families through drink?—A. It is generally pretty hard to get work the next day or two after pay day.

Q. Is it true of any considerable portion of the men that they resort to this habit?—A. I have known it to be so extensively indulged in that we have not been able to operate the mines—call it drunkenness, or sickness, they were not there—presumably it was drunkenness. I did not see it.

Q. Is that often the case?—A. Once a month.

Q. Once a month?—A. Sometimes once a month, pay days and holidays. It is getting to be so frequent that it is pretty near time to ask the laborers whether I can work the mines to-day or whether I can not.

Q. Is the habit of drunkenness more noticeable among any particular nationality of your men than among others? What nationality is the most addicted to it?—A. I do not know.

Q. You do not know?—A. Among the Hungarians and Slavs and Poles it is more noticeable for the simple reason that they are more numerous; but whether, proportionately to their number, there was any more of it than among any other nationalities, I would not like to say.

Q. (By Mr. C. J. HARRIS.) Do you think the irregularity of hours of work promotes

drunkenness? I understood you to answer my previous question that the miner goes in and out of the mine whenever he pleases. You have a law that he can come out any time after he has worked 3 hours or 5. Do these irregular hours promote drunkenness?—A. I do not know that they do. I believe that the drunkenness depends on the man. If a man wants to get drunk he will. A man gets out at 3 o'clock, and if he does not want to get drunk he won't; if he does want to, he will certainly have more hours to get drunk than he would have if he was working.

Q. (By Mr. RATCHFORD.) Now, you have stated also in your testimony that the wages of your men varied all the way last year from $300 to $1,000. By the variation in wages, I presume your men might be classed as either good or bad miners; good miners or miners who are negligent and indifferent, etc. Is this habit of drunkenness more prevalent among that negligent, indolent class who make the lower wages than it is among the others?—A. Yes.

Q. They usually squander their money and lose their time?—A. Yes.

Q. And yet they only make $300 a year?—A. Because of lost time and inability to do the work. We have got some miners, I presume, that would stay about 2 months in one place.

Q. Are they men of families?—A. Yes.

Q. If a man supports a family on $300 a year, how many drunks can he go on?—A. About three a month.

Q. On $300 a year?—A. Yes; in that class of labor.

Q. They live on the cheapest, do they?—A. Some of those fellows live on what an ordinary American miner would starve to death on.

Q. (By Mr. CLARKE.) Is it not true, as a rule, with those shiftless miners, that some of the members of the family help out on the living expenses?—A. Yes, the children and frequently the wives—they have a boarder or two.

Q. Is it not possible to every miner in the anthracite coal regions to be prosperous and support his family in good comfort?—A. Yes, more than possible; more than probable. It is not only possible at the present rate of wages they are getting, but they should all do so if they were frugal and industrious.

(Testimony closed.)

CHICAGO, ILL. *March 21, 1900.*

TESTIMONY OF MR. JOHN B. LUCAS.

Editor of the "Black Diamond," a Coal Trade Publication, Chicago.

The special subcommission met at 10 a. m., Mr. Clarke presiding. At 11.15 Mr. John B. Lucas, of Chicago, editor of the "Black Diamond," was introduced as a witness and, being duly sworn, testified as follows:

Q. (By Mr. CLARKE.) Please give your name?—A. John B. Lucas.

Q. Post-office address?—A. 225 Dearborn street, Chicago.

Q. And occupation?—A. Editor of the "Black Diamond," the official organ of the coal trade.

Q. (By Mr. KENNEDY.) Is that the organ of the coal trade of Illinois?—A. For the coal trade at large, East and West.

Q. (By Mr. CLARKE.) Does it have a national circulation?—A. It has a national circulation.

Q. How long has it been established?—A. Twelve years.

Q. Have you been a publisher all that time?—A. I do not publish it; I am the editor, but not the publisher.

Q. Have you been the editor all that time?—A. No; the last 3 years. I have been more or less connected with the coal trade for 13 years in Chicago, reporting it for the Eastern papers.

Q. You claim to be familiar with the conditions governing the coal trade, local and national?—A. National; yes.

Q. Is this the organ of the anthracite coal trade?—A. Anthracite and bituminous.

Q. Does your occupation make you familiar with the labor conditions affecting manufacturing generally?—A. Yes and no. Yes as regards the coal trade; anything that affects the coal trade, or conditions that would affect the coal trade, I am familiar with; that is, the distribution of coal.

Q. The coal dealers have among their largest customers the manufacturers, do they not?—A. Yes; the railroads are large consumers, and the stock yards, and such people as those, the Illinois Steel Company, and so on—all those people consume anywhere from 1,000 cars up a day.

Q. Is bituminous coal used chiefly in manufacturing?—A. Yes. There are a few exceptions, of course.

Q. Is there any anthracite coal used in manufacturing?—A. In malting, in that line of business, and a few others that require a pure carbon. Of course, you understand that anthracite is practically all carbon; about 93 or 95 per cent is pure carbon.

Q. Is the consumption of coke increasing for steam making?—A. It is.

Q. Is it in use on any of the locomotives in the West?—A. Not in the West; in the East it is. On the Boston and Maine, and in many of the station houses and depots on the Boston and Maine—it is used there for raising steam; in the West, no.

Q. Are smoke-consuming devices in use generally in Chicago?—A. Yes; in nearly all instances where bituminous coal is used down town they have some sort of smoke-consuming device.

Q. Are they effective?—A. Well, I think it is obvious that they are not very effective.

Q. (By Mr. KENNEDY.) What sort of a smoke-consuming device is it that they use out at Whiting, Ind., the oil town?—A. I guess they do not use any there at all. That is where the oil factories are. They use a kind of slack out there.

Q. Evidently no smoke consumer?—A. No; none at all.

Q. Are there any labor difficulties pending in the coal mines of Illinois or in the West?—A. Not in the four competitive fields. The four competitive fields are Pennsylvania, Ohio, Indiana, and Illinois. There are no troubles pending in those fields, and none, so far as I know at present, in West Virginia, Virginia, or Maryland. There may possibly be some in Iowa, in certain districts there.

Q. The business of coal mining at the present time is generally good?—A. Generally good.

Q. And prosperous?—A. And prosperous.

Q. Have not the United Mine Workers of America an agreement or an arrangement with the operators which will preclude strikes or troubles of that kind for a year?—A. Good for a year. From the 1st of April; it goes into effect on the 1st of April.

Q. And they have had such an arrangement?—A. Prior to this they have had it now for 3 years, commencing with the Chicago agreement, then the Pittsburg agreement, and now the Indianapolis agreement—3 years.

Q. Will you state to the commision how the representatives of the coal miners' union and the operators get together to make this arrangement?—A. The operators and the miners, each side prepares a scale of wages and their demands, what they will do, and showing what they want, and then they present them to each other, and after a certain amount of discussion and argument and all that sort of thing—you can guess how long it takes—it took two weeks to arrive at a decision at Indianapolis; it took nearly two weeks to arrive at a decision in Springfield—so that each side presents its own side of the case and, as I said before, after a certain amount of discussion they gradually get together and make concessions either way; but, of course, it is the strong hand of the union that they must yield to.

Q. Do not the operators generally go to the town where the union has held its national session and then go into conference with them as to what the scale and conditions shall be for the year?—A. Yes; now next year it will be at Columbus, where the miners will hold their convention.

Q. It will be at Columbus and the operators will go there?—A. The operators will go there to meet them after they get through with their own meeting.

Q. Can you state whether the miners made any gain at the last conference as regards wages and other conditions?—A. Yes, greatly benefited. That is, the miners and labor connected with the miners—it will add about 22½ cents on an average on a ton of coal; as compared with last year it will be that; it will add that cost to each ton of coal.

Q. Can you state what the gain will be after that goes into effect, as compared with the wages earned by coal miners in these four competitive fields in the so-called good times prior to the last panic?—A. Why there is no comparison, they never had such good wages in their lives.

Q. The miners never had?—A. Never had such good wages in their lives; never had such good conditions or anything else.

Q. As they have now?—A. And the eight-hour day as they have now—never.

Q. It is all brought about by the union?—A. All brought about by the union.

Q. That union is very strong, is it?—A. Very strong.

Q. Is it unreasonable in its demands on the operators?—A. Some of the demands have been and are very unreasonable, but there was no way out of it; they had to succumb.

Q. Evidently the operators must be doing business at a profit notwithstanding they have to accede to those conditions?—A. Certainly. It all comes out of the consumer; the consumer must pay.

Q. (By Mr. CLARKE.) What is the price of coal delivered to manufacturing establishments in Chicago; I mean, of course, soft coal at the present time?—A. Well,

there are fifty different kinds of coal. Can you specify about what class of coal you mean?

Q. Well, take the coal that is more generally used in machine shops.—A. That would be either Illinois or Indiana coal.

Q. Say Illinois coal.—A. Illinois coal delivered at the shop?

Q. To the shop, yes.—A. That would be worth about $2.25 to $2.50, according to the quality of the coal.

Q. Do you know what it is in St. Louis?—A. Oh; it is much cheaper than that, but it is an inferior class of coal. That coal down there is inferior to the coal that is produced in the northern field of Illinois.

Q. You think $1.35 would be——A. (Interrupting.) About $1.35 to $1.50.

Q. What was the price here of the same quality of coal to which you now refer as being used by machine shops two years ago?—A. About $1.50 to $1.75.

Q. The advance, then, has been sufficient to cover the advance in wages?—A. Certainly.

Q. (By Mr. A. L. HARRIS.) How is each side represented in this conference where the price or rather the scale for mining is fixed?—A. Represented by their State president, State secretary, State treasurer, and their district presidents and a certain number of delegates from each State.

Q. Then it is represented by the officials on both sides?—A. By the officials for themselves and the officers for the miners.

Q. Has not that had a tendency to steady the price of coal in all of these different coal fields, and thereby prevent what might be called throat-cutting on the part of one field against another?—A. Yes; to a certain extent it has.

Q. In times of depression?—A. Where there has been overproduction.

Q. The coal operator would feel that he was forced to sell, and he would sell, and then ask the miners to lessen the price per ton for mining, and it gradually went down to what? In times of depression what price was it?—A. Coal has been sold here as low, in times of depression, as 90 cents on the track.

Q. Have you any idea what that left the miners?—A. Oh, that left nothing for the operator; the miner got his wages all right.

Q. Well, were not his wages lowered very much?—A. Yes. He got a fair wage then. The price he was getting then would be about 40 cents; he could make $2 a day or $2.50.

Q. Would he have steady employment?—A. No; he would not.

Q. Has he steady employment now?—A. He has steady employment now.

Q. (By Mr. CLARKE.) Is the coal trade injuriously affected by the pending labor difficulties in Chicago?—A. It will be. It is not so now, but it will be if it is continued. That is, if this strike is continued for any length of time, it will affect coke and coal and fuel generally.

Q. There will be very much less fuel consumed?—A. Yes.

Q. So that that will react upon the coal operators and their employees, the miners?—A. Yes.

Q. (By Mr. KENNEDY.) In how many counties in Illinois is coal produced?—A. About 20 or 30.

Q. Can you state the number of mines in operation in Illinois?—A. I should say about 400 large ones; possibly more.

Q. Can you give the number of miners employed?—A. Twenty-five to thirty thousand.

Q. Is the production larger now than ever before?—A. Larger than ever before; in Illinois, yes.

Q. And you say the wages of the men are greater?—A. Larger than ever known before.

Q. How about the profits to the operator?—A. There is no increase in the profits.

Q. Satisfactory, are they?—A. Satisfactory, certainly.

Q. (By Mr. CLARKE.) Do any of the large manufacturers in Chicago own and operate coal mines?—A. None that I am aware of, with the possible exception of one or two railroads, which are very largely interested in several mines in the northern fields of Illinois.

Q. How about the Federal Steel Company?—A. Yes; but while they are interested in the mines, and they may have the controlling interest, still the mines are not run in their name. The mines are owned by a separate corporation.

Q. Do they mine through that corporation all the coal that they consume?—A. No; not all. They take the greater proportion of the output of the mine, but there is no one mine that could supply anyone of the corporations that we have spoken of with coal. The Federal Steel Company consumes something like from 1,000 to 1,200 or 1,500 cars of coal a day.

Q. Is there any trust or combination of these coal operators in the various coal fields?—A. None whatever.

Q. It is a strictly competitive business throughout?—A. Strictly competitive.

Q. How far East do the products of the Illinois coal mines go?—A. Why, not at all East, with the possible exception of some railroads. Some railroads have it for railroad coal, but not for general consumption, and very little Indiana coal goes East, if any.

Q. Different parts of the Central West, then, are favored with coal deposits which supply the local needs?—A. Yes.

Q. (By Mr. KENNEDY.) The Hocking Valley coal comes here, does it not?—A. Yes; that is a very superior article of domestic coal—superior to anything we have here in the West.

Q. (By Mr. CLARKE.) Is all the anthracite coal consumed in the West brought from Pennsylvania?—A. Every pound of it.

Q. Is any cannel coal mined in Illinois or any other of these Western States?—A. Not that I am aware of in Illinois. There is some cannel coal in the southern part of Indiana, around Cannelsburg; that is somewhere near Evansville; and that is the only cannel that I know of in either of these two States. The major portion of the cannel used here comes from Kentucky.

Q. Is it used for domestic purposes or in manufacturing?—A. In manufacturing gas. It is very rich in gas.

Q. Are you familiar with the conditions of the pending labor difficulties in Chicago?—A. I am.

Q. What do you think is the direct cause of the present differences between the machinists and their employers?—A. Well, as the gentleman who testified before me, Mr. Board, has stated, the employers were expected to pay one man the same wages as another, whether he was competent or not to fill the bill. That is what I understand to be one of the main features.

Q. That is to say, the unions require that?—A. Yes, require that. They must pay as much for a stick as they would for a thoroughly competent man.

Q. And you do not think that is economy?—A. Decidedly no.

Q. (By Mr. KENNEDY.) In the coal business a man is paid for what work he does by the ton?—A. Paid by the ton; yes.

Q. (By Mr. CLARKE.) Does the strike in the building trades in any way affect the coal industry?—A. It will do so if it is continued, because it will affect the manufacturing interests, and the manufacturing interests, of course would affect the coal interests—the consumption of coal.

Q. Do you understand that the principal difficulties here grow out of trade unionism?—A. Yes, that and politics

Q. You think politics has something to do with it?—A. Oh, decidedly.

Q. Do you mean local politics?—A. Local politics.

Q. Or politics generally?—A. No; local politics has a great deal to do with it; I am convinced of that.

Q. How does that enter into it; will you explain definitely and fully?—A. I do not know whether I can do that, except from hearsay. I do not know it of my own knowledge. You understand that it would be merely hearsay that I would give you, but still I am convinced that there is a very great deal of politics mixed up in this trade unionism and in the strikes. I have no doubt about it.

Q. That is to say, you mean that politicians are instigating and encouraging labor difficulties?—A. Yes.

Q. For their own purposes?—A. Yes; for their own purposes.

Q. For some temporary political success, regardless of the well-being of the community?—A. That is right; that is just exactly what I think.

Q. Is it your understanding that the manufacturers or employers of labor are in any way in league with the city government?—A. No; certainly not.

Q. Is it your understanding that the representatives of the trade unions are in any way in league with the city government?—A. Some I should say decidedly were. I do not know it; but that would be my judgment; that would be my opinion.

Q. Have they been given city employment in one capacity or another?—A. It is so stated in the papers that they are given employment in what they call city jobs.

Q. You believe that to be true?—A. I do. I do not know it, but believe it to be true.

Q. Do you think that that influences them in favor of labor difficulties?—A. It would look to me that way.

Q. And impairs their capacity as representatives of the industrial interests of the employers?—A. Of the employers, yes; certainly.

Q. Do you think that adequate police protection is afforded here to nonunion men?—A. No; it is not.

Q. (By Mr. KENNEDY.) How many appointive offices are there under this city government?—A. I do not know anything about that.

Q. Several hundred, are there?—A. Oh, yes; more than that, I should think.

Q. What number does rumor put of those who are so-called labor politicians in

the city government, do you know?—A. No; I do not know anything about it. I only know that there are a number of them connected with the city hall.

Q. Has not the mayor of Chicago said that the great majority of them are performing work under their own trades under the city government, and that they have passed the civil service examination?—A. Yes.

Q. And if that is true, there is no criticism to lie against their employment in that way, is there?—A. Why, certainly not; oh, no; no criticism except that it makes it more forcible, their connection with politics. It is politics that brought them there. If they had not had a pull, they could not have got those positions.

Q. Are they any better or worse than the general run of politicians at the head of those offices?—A. No; I do not know about that.

Q. (By Mr. A. L. HARRIS.) I would like to know whether you believe that the few who obtain offices under the city government do it at the expense of the many.—A. Yes.

Q. And they use their official positions to secure place for personal and selfish purposes?—A. Yes.

Q. And that the ordinary member of the trade union is not benefited?—A. Decidedly not, in my opinion.

Q. Is the political union man using the union, in your opinion, then, to the detriment of his order?—A. Yes.

Q. And for his own personal aggrandizement?—A. Yes.

Q. You spoke a moment ago incidentally about West Virginia. What is the condition in West Virginia so far as the organization of the miners is concerned?—A. They are organized. West Virginia has an organization of her own, something similar to the big miners' union, the universal, national union.

Q. How long have they been organized?—A. That has been organized about 3 or 4 years.

Q. Previous to that time how was the condition of the miners in Ohio and Pennsylvania that were organized affected by the unorganized condition of the miners of West Virginia; was it a source of irritation?—A. All West Virginia is not organized now. It is a source of irritation now; a great source of irritation.

Q. Where they are organized, is it not to the interest not only of the miner but also of the operator, as it is now working?—A. Yes, it is of interest where they are organized. That is the Fairmont region, where they are organized.

Q. Is there not a possibility that a trade union may eventually be organized and bring as much benefit to the ordinary member as the United Mine Workers have in their organization?—A. That is it.

Q. Politics has not entered into the United Mine Workers?—A. No.

Q. And they have been very much benefited by the organization?—A. Yes; very much benefited.

Q. Would not the trade unions also be benefited if the politician did not use the order for his own benefit?—A. In all probability they would be greatly benefited if they would abolish politics entirely, and politicians. There is no question about that.

Q. How does he use his position for his own benefit; by controlling the votes of his union?—A. By controlling votes; that is it; that is my opinion.

Q. Has not the ordinary member of the union some knowledge of how he is being used?—A. You are speaking of the miners' union?

Q. No, I am speaking now of this.—A. No, but that does not count for much.

Q. He will gradually appreciate the condition, will he not?—A. Yes, he would if he was allowed to have his own way according to his own feeling.

Q. It is a minority that is controlling, really, is it not?—A. Yes.

Q. The number not benefited is much larger than those benefited by politics?—A. Yes.

Q. (By Mr. CLARKE.) Do you think it should be the rule with trade unions that their official representatives should not be allowed to accept any political position while they continue as representatives of the union?—A. Decidedly so; they should not.

Q. (By Mr. KENNEDY.) Would you also then make it a rule that a man who goes to Congress or a State legislature shall not be a representative of a corporation; a lawyer, for instance?—A. Oh, that is a different thing. As I look at it, it is entirely different.

Q. It is entirely different?—A, Yes; I know it is entirely different.

Q. Would it not be equally vicious to have as a national or State legislator a man who is a representative of a corporation that might have interests before those legislative bodies—equally vicious with having a representative of a labor organization in the employ of a city government, for instance?—A. No, because it has not proved to be so. We have no proof that it is so; we have in the other instance.

Q. (By Mr. CLARKE.) Have you noticed any connection between labor difficulties and political campaigns? Are they ordinarily contemporaneous? Does a labor diffi-

culty precede a campaign? Have you noticed any such connection?—A. I had not observed it before; I had not noticed it. In all probability it is so, though, but I had not observed it.

(Testimony closed.)

In reply to the foregoing questions the witness subsequently submitted the following statement and table compiled from figures furnished by Mr. David Ross, secretary of the Bureau of Labor Statistics of the State of Illinois, and sworn to by Mr. Ross, April 28, 1900:

"The table following contains a record from 1890 to 1899, inclusive, taken from the official reports of the bureau of labor statistics, showing the number of men employed in the business of coal mining in this State, the days of active operation, tonnage, prices paid for mining, and the reported average value of coal per ton during the time stated.

Year.	Men.	Tonnage.	Days.	Prices paid per ton for mining.	Value of coal per ton at the mine.
1890	28,574	15,274,727	203.5	$0.683	$1.019
1891	32,951	15,660,698	215.6	.715	1.008
1892	33,622	17,862,276	219.5	.719	1.029
1893	35,390	19,949,564	229.6	.715	1.025
1894	38,477	17,113,576	183.1	.671	1.009
1895	38,630	17,735,864	182.2	.573	.932
1896	37,032	19,786,626	186	.53	.899
1897	33,788	20,072,758	185.5	.505	.852
1898	35,026	18,599,299	174.7	.441	.918
1899	36,991	23,434,445	205.7	.471	.9186

"NOTE.—Average price of mining computed on screened tons up to and including the year 1897; subsequent years on gross tons."

WASHINGTON, D. C., *May 13, 1901.*

TESTIMONY OF MR. HERMANN JUSTI,

Commissioner Illinois Coal Operators' Association.

The commission met at 10.55 a. m., Senator Kyle presiding. At that time Mr. Herman Justi was introduced as a witness, and, being first duly sworn, testified as follows:

Q. (By Senator KYLE.) Will you give your name and address and business to the stenographer?—A. Herman Justi; commissioner of the Illinois Coal Operators' Association, Ellsworth Building, Chicago.

Q. (By Mr. FARQUHAR.) What were the reasons that led up to the formation of this association on the part of the operators in Illinois?—A. The constant trouble between the coal operators and the coal miners of Illinois arising from the disputes with reference to the interpretation of certain clauses in the agreements entered into between the coal operators and the coal miners was one of the causes that led up to the establishment of the Association of the Illinois Coal Operators. The miners of Illinois, like the miners of other States, were scarcely educated up to the point where they could fully appreciate and understand the exact nature of these agreements, and therefore the sacredness of the contract was very often disregarded. Under what is known as the interstate and joint movement, certain scales of wages and conditions of mining were established for the four central coal States; that is to say, a scale of wages based upon competitive conditions was established in an interstate convention, and in this interstate convention the mining conditions were also established.

Q. (By Senator KYLE.) What States?—A. Pennsylvania, Ohio, Indiana, and Illinois. The purpose of fixing this scale of wages, and the mining conditions in these four States, was in order to bring them as nearly as possible upon a fair competitive basis. The idea of this interstate movement was to establish as far as possible uniformity not only in the scale of wages but in the conditions of mining, and as a result it was applied also in the selling price of coal. Without any agreement being made as to what the price of coal should be, the fact that all the coal operators in those four States paid substantially the same scale of wages and were operating

under the same conditions of mining made it possible for every operator to know approximately what the product of every coal mine cost every other coal operator.

While the system is in itself excellent, and while I believe an honest effort has been made to maintain this interstate movement upon a basis of uniformity, that is to say, commercial uniformity, that great essential to the continued success of the movement has not as yet been fully realized.

I can best explain it in this way: Of those 4 States in the interstate movement, Pennsylvania, Ohio, and Indiana are upon what is known as the double standard or the screening basis, while Illinois is on the run of mine basis. Then there is a differential between machine mining and pick mining. That was also intended to be uniform, but uniformity in that respect has not as yet been attained. But taking the system as a whole, it has been a vast improvement upon the system or the want of system that prevailed prior to the interstate joint movement.

You gentlemen, perhaps, well know that the interstate movement was inaugurated at Chicago in January, 1898. It was a direct result of the long and bitter strike in the coal industry that prevailed throughout Pennsylvania, Indiana, Ohio, and Illinois during 1897. Prior to the interstate joint movement chaos prevailed in the bituminous coal fields. The conditions all through there were demoralized. Labor was dissatisfied. Strikes or lockouts occurred always in one of two ways. There being no uniformity in wages or conditions, the miners of one mine or of a set of mines would strike because they were getting less pay than the miners at some other mine or set of mines. Then, on the other hand, certain operators who were paying a higher mining scale than their competitors would often shut down the mines until their rate was reduced. As a consequence there was always a strike or lockout somewhere, and such a thing as industrial peace in the bituminous coal fields was unknown.

Under the old system the more powerful operators could, and the less scrupulous operators would, take advantage not only of the miners but also of their more scrupulous rivals. That system not only encouraged unfair practices and threw into idleness tens of thousands of working men, but it bankrupted many honest coal operators.

Severe as we find competition to-day in the bituminous coal field it has its limitations which it did not have before. The reason for this is plain. Relatively speaking, every operator in the bituminous field pays the same scale of wages and is governed by the same mining conditions. As the miner pays no rebates, each operator knows substantially what it costs his rival to produce coal, and hence the selling price is more nearly uniform.

Then, again, prior to the interstate movement, there was no reliable standard of justice by which the miners were to be guided. The interstate joint movement has had a tendency to impress on the men the sacredness of a contract, thus making the task of the miners' officials less difficult in the carrying out of the agreements into which they entered on behalf of the men. This is not possible always as yet, but there is, at least, a steady and gratifying improvement. Notably is this true in Illinois, where the operators and miners have strong and thoroughly equipped organizations.

Q. (By Mr. KENNEDY.) Did you state by what authority this interstate movement was set up?—A. It is not an organization at all, but simply a voluntary movement. The operators in these 4 States are not organized, but they simply meet by mutual consent with the United Mine Workers of America, also a voluntary organization, for the purpose of effecting trade agreements.

Q. It was set up by consent of the two interests, and you represent the operators?—A. Yes; it is with consent of the two interests, but I am the commissioner simply of the Illinois Coal Operators' Association. The operators of the other three States have some form of organizations, but I do not know how far they have gone in establishing commissions similar to ours.

Q. We would like to know more of the purposes and plans of your commission?—A. I will endeavor to describe briefly the purpose and scope of the commission established by the Illinois Coal Operators' Association:

1. The individual operator finding himself at a disadvantage, if not powerless, in dealing with a great labor organization like the Mine Workers' Union, realized the necessity for establishing upon a firm basis an organization of operators. Such an organization could, it was believed, enjoying the respect of its rival, bring about greater uniformity in wages and conditions, and also be conducive of harmony among the operators and between the operators and the miners.

2. Disputes and strikes coming with such frequency, if they were to be settled with any degree of satisfaction, required far too large a share of the operator's time, or else if his time was not thus freely given to the task of settling them they would be settled by the miners in their own way and for their own advantage regardless of the rights of the employer.

3. The coal operators of Illinois had reached the conclusion that they were not themselves well qualified to sit in judgment upon their own grievances. They believed further that this was an age of specialization and of specialists, and that

special talents and peculiar fitness, along with perfect knowledge of labor conditions throughout the State, are necessary to settle disputes fairly. And what is true of coal operators is equally true of coal miners, human nature being the same in both; both seeking alike only their own selfish interests and often closing their eyes to the rights of others.

This system of settling disputes and of preventing strikes has, I am happy to say, worked admirably.

Under this system, whenever differences arise between operator and miner, if the complaint is on the side of the miner, application is made by the local officials of the miners' union to their general officers, and the general officers in turn notify the commissioner of the Illinois Coal Operators' Association of the fact that differences or disputes have arisen at a certain mine, and that they desire to take up the matter with a view of adjusting it. If the complaint comes from the side of the operator, the operator calls the attention of the commissioner to the fact, and the commissioner in turn calls the attention of the officials of the Mine-Workers' Union.

I am now speaking, of course, only of Illinois. I should remark, however, that under the State agreement entered into between the operators and the miners there is a clause defining exactly what steps shall be taken before any question in dispute is submitted either to the general officers of the miners' organization or to the commissioner of the Illinois Coal Operators' Association, and I will file copies of this agreement with you.

The agreement above referred to is printed at the end of Mr. Justi's testimony, p. 689.

The idea of both organizations is that disputes and differences are best settled as near their source as possible, and as soon as possible after any dissatisfaction is expressed or any differences arise either upon the part of the employer or the employee or between the employer and employee. Complaint having been made by either side, the officials of the two organizations, namely, the United Mine Workers of America and the Illinois Coal Operators' Association, agree upon a place of meeting, and this is usually at the mines where the trouble exists, although it does sometimes happen that the meetings are held either at the office of the commission in Chicago or of the Mine Workers' Union in Springfield. Either the president or the vice-president of the Mine Workers' Union and the commissioner of the Illinois Coal Operators' Association are always present at these meetings. All formality is sought to be waived. At times we organize by electing a chairman, and at other times we simply gather in an informal way around a table and invite testimony. We always announce that the fullest latitude will be given to all witnesses, and that they will be permitted to say what they please without interruption, so long as they are respectful and do nothing to provoke a breach of the peace. No effort is made on either side to embarrass the witness. No advantage is sought upon mere technicalities. The purpose of this joint meeting of the operators and the miners is to bring out the truth, and every man is encouraged to speak the truth with perfect freedom and without fear of any consequences, the moral support of both organizations being pledged to protect him.

Q. Do other parties than those interested participate in these conferences?—A. The operators directly interested and the miners directly interested participate, and, if necessary to a full understanding of the case, witnesses are brought from the outside, but they are usually witnesses who come from some other mine or operators who possibly have some similar conditions.

Q. Lawyers or other parties are not brought into these conferences?—A. Lawyers are never brought in.

Q. The matter rests entirely with the operators and the miners?—A. Yes.

Q. In the meantime are those mines being worked while this conference is in session before you come to a decision?—A. I will read a clause from the State agreement which bears on this subject, and which answers your question, I believe.

(Reading.)

"13. In case of any local trouble arising at any shaft through failure to agree between the pit boss and any miner or mine laborer, the pit committee and the miners' local president and the pit boss are empowered to adjust it; and in the case of their disagreement it shall be referred to the superintendent of the company and the president of the miners' local executive board, where such exists, and shall they fail to adjust it—and in all other cases—it shall be referred to the superintendent of the company and the miners' president of the subdistrict; and should they fail to adjust it, it shall be referred in writing to the officials of the company concerned and the State officials of the U. M. W. of A. for adjustment; and in all such cases the miners and mine laborers and parties involved must continue at work pending an investigation and adjustment until a final decision is reached in the manner above set forth.

"If any day men refuse to continue at work because of a grievance which has or has not been taken up for adjustment in the manner provided herein, and such action shall seem likely to impede the operation of the mine, the pit committee shall imme-

diately furnish a man or men to take such vacant place or places at the scale rate, in order that the mine may continue at work; and it shall be the duty of any member or members of the United Mine Workers who may be called upon by the pit boss or pit committee to immediately take the place or places assigned to him or them in pursuance hereof."

Q. (By Mr. LITCHMAN.) Do I understand you are yourself a coal operator or represent the Coal Operators' Association?—A. I represent the Coal Operators' Association.

Q. (By Mr. FARQUHAR.) What are the delegated powers from the Coal Operators' Association to you as commissioner?—A. Simply to use my best judgment in enforcing the terms of the interstate, State, district, and subdistrict agreements, and to adjust all disputes and differences that arise between the operators and the miners. Only the question of labor is referred to me. I have nothing whatever to do with any movement looking to the establishment of a scale of wages or conditions of mining, but rather simply to enforce those conditions and to see that that scale of wages is paid after it has been agreed upon by the respective organizations.

Q. Your decision as the representative of the operators then is final?—A. Yes; binding on the operators.

Q. Are any appeals being taken?—A. There have been no appeals taken, but disputes in several instances have been referred to the National President of the M. W. U. of A. and to me for adjustment. During the past year we have had possibly 200 cases before the commission. In 3 of those cases the State officials and the commissioner could not agree. The decision upon these was referred to Mr. John Mitchell, president of the United Mine Workers' Union of America, and to me, the commissioner. One of these was in itself trifling, but for certain reasons the officials of the State organization preferred not to render a decision, and inasmuch as I had another case at the same time with Mr. Mitchell they agreed to refer that one to Mr. Mitchell and to me. After hearing Mr. Mitchell's statement of the case, I consented, under certain conditions, to his decision, and that decision was enforced.

There was another question that came up, in regard to forcing men on initial construction work into the union, the operators claiming that the scale of wages and conditions of mining had nothing whatever to do with construction work maintaining that the Miners' Union had no jurisdiction over such employees. Mr. Mitchell preferred not to render a decision in the matter, and said he thought it was better that that should go before the State convention and let the organizations decide it, and to that I agreed. So the demand of the miners with reference to forcing men on construction work into the union was abandoned for a time, and when the State convention met in Springfield last March the coal miners and operators agreed that the men working on construction work—on new work, and elaborate reconstruction work—should be excluded from the union. So that matter was ultimately settled as was desired by the operators.

Q. (By Mr. KENNEDY.) Who, if anybody, holds equal power with you on behalf of the miners?—A. The president and vice-president of the State organization of the mine workers' union.

Q. (By Mr. FARQUHAR.) The jurisdiction of the miners of Illinois it divided up into the State jurisdiction, the district jurisdiction, and the subdistrict jurisdiction?—A. Yes.

Q. How many districts in the State?—A. We have nine scale districts. The districts are divided with a view to establishing a scale of wages based upon the varying conditions of mining. That is to say, in one part of the State it is long wall, and in another part of the State it is room and pillar work. Then in some parts of the State the seams are thick, and in other parts they are thin, and the scale of wages is based upon the competitive conditions and the mining conditions.

Q. In these disputes about conditions of labor and about wages since you have been commissioner, what is your experience, that more have originated from the operators or from the miners?—A. The 200 complaints, I believe, were about equally divided, although in the adjustment of the differences I presume that possibly 80 per cent were decided against the miners. The reason for that, of course, will be at once apparent when I tell you that the miners were not so thoroughly familiar with the agreements, and they had so many local organizations that local demands would be made, such as they had made prior to the interstate movement; the presumption on their part was that what they had done before they could continue to do even after this movement had been inaugurated.

Q. You have no disputes coming from that?—A. The complaints of the mine-run system are frequently due, as is natural, from the excessive use of powder, which, as you will readily understand, shoots the coal into smaller fragments than is desirable, thus greatly increasing the percentage of screenings. There has also been a disposition on the part of the miners to load rock, slate and sulphur, but an honest effort is being made by the miners' officials to check this, fines, suspensions or discharge being the penalty.

Q. From your experience would you say the run-of-mine is a better plan than the screen, and more satisfactory to both men and operators?—A. I would say the run-of-mine system would be the best system if it was adopted universally, and if the result, which was promised by the mine workers' union when they went to the mine-run basis, was carried out. The operators were assured the mine-run system would make better miners, but as yet this promise has not been fulfilled. I have no question whatever of the earnest desire of the officials to carry it out, but up to this time they have simply been unable to do it. I think the system, in itself, is designed to make better miners, but, as stated before, the system has not been entirely satisfactory.

To give you some idea generally of how some of the more serious questions are settled in our State, one of the three cases that were submitted to President John Mitchell and to me jointly, was a question that came up within the last 40 days in the Danville district, which is the basing district for Illinois. The question in dispute was the interpretation of clause 16 of the State agreement. It bears directly upon the question you asked in regard to the mine-run system. A brief history of the contention in the State convention which led up to the adoption of clause 16 of the Illinois State agreement, is given in this decision rendered by President Mitchell and by me jointly. The question under discussion was as to what constituted ordinary and what constituted "extraordinary conditions" in mining. That is to say, how much rock was it necessary for the miner to clean as a part of the work in return for wage which was paid him per ton under the mining scale of that district. The miners contended that "extraordinary conditions" meant one thing, and the operators contended that it meant something else. The operators took the position that the purpose of inserting that sixteenth clause in the State agreement was to give to the operators of that district clean coal, for which they really paid when they complied with the terms of the interstate agreement.

Q. For which the price was commensurate?—A. For which the price was commensurate. The State miners' organization and the operators of the Danville district failing to agree, and the miners refusing to go to work under the interpretation of the operators, and the operators refusing to start up their mines under the interpretation of the miners, a deadlock was at once established and about 4,000 miners threatened to quit work. President Russell of the State organization, recognized that the situation was critical and that it was necessary that something should be done, finally offered a resolution in the joint subdistrict convention at Danville, on April 11, as follows:

"That the questions now in dispute in the Danville district, namely, the interpretation and application of the sixteenth clause of the Springfield agreement and the method of shearing the entry coal, be referred to Mr. Mitchell and Mr. Justi for settlement, and their decision shall be binding. Work at the mines shall resume and continue pending the settlement under the agreement of 1901 and now in force. In case the decision is against the operators, the miners shall be paid for the work done under protest.

"The parties herein named are to take up the matter and dispose of it at once.

"The rock down in the places at the resumption of work is to be cleaned up by the operators."

In accordance with that resolution, Mr. Mitchell and I repaired to the Danville district and made a thorough inspection of the 4 of the 10 mines involved. We devoted 3 days to this work, after which we were in session 2 days in our efforts to reach an agreement, and this decision, a copy of which I wish to file, is the result. (See Exhibit B, p. 694.)

The decision was a substantial triumph for the operators. Although the miners in the Danville district are said to be the most radical in the State, they remained at work during that investigation, and after the decision was reached they continued at work and are at work to-day. I had advices of that fact only yesterday.

Q. You spoke a short time ago of the difficulty of the mine workers understanding these agreements, and maintaining old privileges and old rules. Now, by that do you intend to criticize the intelligence of the miner or do you refer to the lack of means of information of the miners to know exactly what the new rules are?—A. There are constantly new men who join the unions, and, of course, they must be educated. There are constantly changes being made in the local organizations in the district, new local officers are elected, and very often they are elected because they have made promises to do for the miners what their predecessors had perhaps promised to do and found they could not do. It is not due to inherent ignorance of the miners, because they are not an ignorant set.

Q. What nationality prevails in the mines of Illinois?—A. I can not say definitely. I could obtain the information, of course, but I haven't it at hand. In parts of the northern field there are a good many Hungarians, Lithuanians, and Poles. In the south there are quite a number of blacks, American, Irish, English, and Scotch. In the central part of the State there are English, Scotch, Americans, and Italians. But I believe the majority of the miners in the State of Illinois are English-speaking people.

There is, of course, another difficulty in informing the men of the exact nature of these State agreements. In the first place, after the agreement is made (as of the first of April always) it must be translated into all these languages spoken at the different mines, and it must be explained and the reasons given why it was necessary to make the changes. If a concession was made to the operators, of course it requires a good deal of work on the part of the officials to convince the miners that after all it was for the best, and that, whether it was for the best or not, it was the best that could be done under the circumstances.

Q. Do the Mine Workers of the State have their own convention at Springfield?—A. They have their own convention. That convention always occurs before the joint convention, just as the national organization of Mine Workers meets before the interstate convention.

Q. In the operators' conferences or in their convention is your State pretty well represented by operators?—A. Yes; Illinois, both by miners and operators, is always largely represented in the interstate convention.

Q. Have you many operators in Illinois under conflicting interests that would cause a lack of harmony among the operators?—A. Prior to the interstate movement it was believed that there were conditions that prevented harmony, and it was a fact that the operators in one part of the State were entirely unacquainted with the operators in the other parts of the State and distrusted them, but the feeling of distrust has now passed away, and all the operators in Illinois know each other.

Q. Did you say that these conferences, both on the part of the workingmen and on the part of the operators, had been conducive to harmony of interests and a better understanding of the interests of the whole State?—A. They have been a tremendous advantage both to the operators and to the miners. In fact, it is my belief that 95 per cent of all the differences and disputes arising between employees and employers can be settled amicably if the parties in dispute will only consent to a conference. If they will only get together and talk the matter over they can usually reach an agreement, and, as a rule, the result will be partly a compromise, because it will be found that they were both to some extent right and to some extent wrong.

Q. (By Senator KYLE.) Theretofore, you had not the machinery to settle these disputes?—A. That is it precisely; we were without the necessary machinery for settling our differences.

Q. And that is true of all the years previous to the last few years?—A. That was true until 1898, and in the sense that the question of labor has been taken up as a distinct and separate question, it was true until the past year.

Q. Heretofore, were your associations opposed to organized labor?—A. In the southern part of the State and in the central part they were opposed to organized labor; in the northern part of the State they recognized labor at an earlier date.

Q. (By Mr. FARQUHAR.) Recognized it on account of its strength, didn't they?—A. Yes; it was not a voluntary matter.

Q. Have you any papers on any features of these Illinois conferences or agreements that you desire to present?—A. Yes; I want to leave copies of the proceedings of the last interstate convention, which will give you some idea of how thoroughly the whole question, as it affects these four States, is thrashed out by these interstate conventions. Of course, they never agree in open convention, but a general discussion is carried on publicly for the purpose of bringing out the sentiment of miners and operators to the end that the differences of opinion may be narrowed down. Then the whole question in dispute as to the scale of wages or as to conditions of mining is referred to a joint scale committee, composed of 4 miners and 4 operators from each State, making in all 32 representatives on that joint scale committee. That number being too large, the matter is finally referred to 16 of them, and after the 16 have discussed the whole question pro and con for about 3 days they then report to the joint convention progress of work. The joint convention very promptly refers the matter back to the special scale committee to come back with some definite report. We have held these interstate conventions since 1897, and we have never failed to reach an agreement.

Q. (By Mr. KENNEDY.) I want to ask if the recognition of organized labor has been a good thing for the operator, in that it enables one operator to know what another operator has to pay for the mining of coal?—A. I believe so; a decided advantage. I believe it distributes more equitably the trade of the State or the trade of the country in that product.

Q. And brings stability to the trade?—A. Yes.

Q. (By Mr. LITCHMAN.) As I understand it, this commission of which you are a member is composed of two persons?—A. No. This commission of which I speak is established by the operators, and I am the commissioner. Now, in the cases which I have mentioned the president of the Mine Workers' Union, representing the miners, and myself constituted a commission.

Q. I notice in the agreement which you submitted, it was signed by yourself and Mr. Mitchell as commissioners.—A. That was because we were joint commissioners in that particular case.

Now, I would like to leave also copies of the proceedings of the joint convention of the coal operators of the State for the present year. You will see this is printed in double column and takes up 252 closely printed pages. The Illinois coal operators and miners in their recent joint convention went a little further than the operators and miners have gone before in the joint movement and have printed the proceedings in full. The object in doing so was that, if during the year or at any future time, any question arose as to the reason for the adoption of any particular section or clause of the agreement it would be fully explained by the statements of some coal operator or coal miner who had participated in one or the other of these conferences.

After the joint interstate convention and the joint State conventions have been held, then, as I stated before, the districts and subdistricts meet and they agree upon conditions of mining that are peculiar either to some one or two mines or to some special district. Now, all of these agreements for Illinois are embraced in 1 volume, which gives the joint State agreement, the Illinois State agreement, and the district and local agreements. Never until last year had any association of coal operators, in Illinois or elsewhere, undertaken to publish in one volume all these different agreements.

Copies of these agreements are very generally distributed throughout the State. We furnish them to all the operators, to all the superintendents and mine managers. We furnish them also to all the leading officials—State, district, and local—of the Mine Workers' Union. So that instead of referring (as was the case formerly) to a typewritten copy, which was very often hidden away and could not be found, this volume is always available, so that the exact nature of every agreement is readily obtainable.

Q. (By Senator KYLE.) The scale of wages and everything is included in that?—A. The scale of wages and all the conditions of labor are set forth in that work.

Q. For each of the districts?—A. Yes. I will also leave with you copies of the constitution of the Illinois Coal Operators' Association and the yearbook of the Illinois Coal Operators' Association.[1]

Q. I think possibly I can illustrate the nature of our work so as to give you some idea of our plan Shortly after the joint convention in Illinois, the drivers in some of the districts and at a good many of the mines were dissatisfied with their wages, and work was stopped because of the refusal of the drivers to work at the wages agreed upon in the joint convention. Now, this was clearly contrary to the State agreement. It was, however, a trouble that was not wholly unexpected. We immediately advised the operators throughout the districts where we knew that trouble existed to inform us if their drivers had quit work; if so, for what cause? if they were working, was it at the scale? if not at the scale, what price were they paying? In this way we were enabled to determine exactly how far the operators had violated their agreement and how far the miners had violated their agreement. The operators' and miners' organizations hold that it is just as wrong and just as demoralizing to pay more than the agreed price as it is to pay less than the agreed price. The great difficulty that prevailed prior to the interstate movement was due to the lack of uniformity, and under this interstate and State joint movement the only way that peace can be preserved is by observing the terms of the agreement and preserving the uniformity for which we have been contending.

Then, to give another illustration, an operator informs us that a demand has been made by the miners at his mine for something that is not provided for in any of the agreements and had never been provided for. Now, in order to preserve uniformity, we immediately proceed to send out a circular letter to every operator belonging to the association to ascertain what custom or practice has prevailed at the particular mine. When this information is received we know precisely what to do. We are able to meet the officials of the Mine Workers' Union and to give them an accurate and truthful statement of the conditions prevailing, and some agreement is immediately reached as to what should be done at that particular mine or what practice should prevail at all the mines. This is done not only in exceptional cases, but it is done in all cases in order to preserve uniformity. Therefore the records and files of the Illinois Coal Operators' Association, after a lapse of 2 or 3 years, will be very valuable because they will cover nearly every question that could possibly come up in a dispute.

Q. (By Mr. KENNEDY.) I would like to ask you if there are any railroads in Illinois that stand in the light of operators or owners of mines, and that take part by representatives in these conferences?—A. No; if any railroad company has ever taken part in any of the conferences in the joint meeting of miners and operators the fact has never been made known.

Q. Are there any railroads that own mines in the State of Illinois?—A. There are no railroads in the State of Illinois that admit owning any coal mines. There is no evidence whatever that any of the railroads own any coal mines.

Q. (By Mr. CLARKE.) Does this interstate movement have anything to do with fixing the price of coal?—A. Nothing whatever.

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[1] All the documents referred to are on file with the commission.

Q. Has its effect generally been to raise wages or to depress them?—A. It has been to raise wages.

Q. Does not that have its bearing on the price of coal?—A. Naturally.

Q. Has coal increased in price appreciably since this movement was entered into?—A. At some points coal was abnormally low, perhaps; at other points it was abnormally high. The system has had rather a leveling tendency, in my opinion. By a more equitable distribution of the trade in coal it has had the effect of possibly sustaining prices without sustaining them artificially.

Q. Has anybody ever called it a trust?—A. No.

Q. (By Mr. LITCHMAN.) Has there been any advance in the wages for the season of 1901 over wages paid in 1900?—A. No.

Q. Was there any advance in 1900 over the wages previously paid?—A. There was an advance in 1900 of from 7 to 11 cents a ton in the mining scale and from 20 to 25 per cent in the wages for what is known as day men; that is, men who work by the day.

Q. I saw the statement attributed to Mr. Mitchell, president of the Mine Workers' organization, that this increase for the region covered by your agreement amounted to about $20,000,000 in the year. Would you think that a fair statement?—A. Well, for a year?

Q. For the year 1900?—A. The aggregate product in those four States was about 270,000,000 tons. Now, I think it is fair to say that the advance was 25 per cent, taking the mining scale and the day-wage scale. Of course it is simply a matter of arithmetic, and the accuracy of Mr. Mitchell's statement could be easily tested. I would say that $20,000,000 seems possibly a little bit high, but at the same time it is not very far from that.

Q. Approximately, it was that?—A. Yes. An advance was obtained also 2 years prior to 1900. From 1897 a material advance was obtained in 1898, and then an advance in 1900; no advance in 1901.

Q. Was not the advance of 1898, however, a restoration of the previous reduction?—A. Well, of course it was the result of the strike that had taken place—the strike of 1897.

Q. Do you think that the result of these conferences has been to produce a better understanding between the operators and the men?—A. Very much better.

Q. Do you think the feeling in that section covered by the four States is a result of this coming together?—A. It is. I can speak with confidence of Illinois. I know that the relations are far more cordial than they have been at any time.

Q. Have you any means of getting the number of operatives coming within the scope of the system in the four States?—A. About 175,000.

Q. Is that number greater at the present time than during 1897?—A. Well, slightly.

Q. Is it much greater than it was in 1895?—A. Greater than in 1895, yes; some greater than in 1897, but exactly how much I am not able to tell.

Q. Has machinery to any great extent been introduced in the mining of coal in these 4 States?—A. Yes.

Q. And what has been the effect of the introduction of the machines in their relation to the number of men employed?—A. Where they have been able to operate them successfully of course it has had the effect of reducing the number of men. In Illinois the operation of machines has not been very successful, so far as operators are concerned, because of the opposition of the miners to the machines. They insist on pick mining, claiming that they can make better wages even with the reduced differential in that State.

Q. Has the thickness of the vein anything to do with the success of the machines?—A. The thicker the veins the more successfully the machines work. Now, in the northern section of Illinois they use no machines at all, but they are used in the southern and central part of the State.

Q. Has this agreement between operatives and operators had any effect upon the number of days work in the year secured by the operatives?—A. It has not in the State of Illinois; but what its effect has been in other States I can not tell.

Q. Do you think that the number of days work the men are employed is greater than it was in 1894, 1895, and 1896?—A. Yes.

Q. That would be due possibly to the increase——A. (Interrupting.) Expansion and improvement of trade; yes.

Q. I asked you to state something about the agreement under which you work. Let me see if I understand that agreement. As I understand it you, as representing the employers, are given full authority to arbitrate any difficulty that may arise?—A. Yes.

Q. That you meet in that arbitration some representative of the workingmen at the head of the organization, or someone in the locality where that work is located, and that you as representative of the employers and the representative of the employees come together, and if you two agree that is the final settlement?—A. Yes; that is final.

Q. (By Mr. KENNEDY.) I should like to ask you if the influence of these agreements has spread into the States of Iowa, Kansas, Kentucky, and West Virginia to any extent?—A. It has. Kentucky has adopted almost verbatim the language of our State agreements. The State of Iowa has also patterned after our agreement of 1900.

Q. (By Mr. LITCHMAN.) Is there any objection to stating why the operators were unwilling to admit Iowa and Michigan into the convention?—A. I have not any objection. The objection comes chiefly, of course, from the East. If Iowa and Michigan were admitted it might possibly mean that Pennsylvania and Ohio's influence in the interstate movement would not be so well balanced with the West as it is to-day. The contention of Pennsylvania and Ohio has been from the start that no other State should be admitted into the interstate movement until West Virginia was brought in. That you will find very fully set forth in the discussion of the subject at the interstate convention which was held at Columbus in January.

Q. Is there any movement under way toward securing the cooperation of the West Virginia coal fields, either on the part of operators or on the part of the men employed, so far as you know?—A. The miners' organization is endeavoring to bring the miners of that State into the organization, but so far as I was able to judge from the discussion at Columbus the success so far has not been very great. No effort, in my opinion, has been made at all on the part of the operators to bring West Virginia into the movement, save the effort made by them in the inter state conventions.

Q. The product of West Virginia comes in direct competition with Pennsylvania and Ohio?—A. Yes; and also with that of Indiana and Illinois.

Q. So much so as Pennsylvania?—A. Not so much so, but it comes largely into competition. West Virginia coal is sold to a very large extent now in the Chicago market, and the Chicago market formerly was the chief distributing point for Indiana and Illinois coal.

Q. What would you say as to the competition at the seaboard?—A. As to the competition at the seaboard I am not prepared to speak. I imagine, of course, that the competition as between West Virginia and Pennsylvania and Ohio is very sharp, but as to the competition of Illinois and Indiana with West Virginia at the seaboard I am not able to say.

Q. It would seem to be for the interest of the operators as well as the men to have West Virginia brought into the agreements, then, would it not?—A. I should not care to express myself on that subject, because, as I said before, I am not sufficiently familiar with that phase of the subject to make my opinion worth anything. Besides, it might be a little embarrassing for me as representative of the operators of one State. It might appear that I was criticising the operators in another State.

Q. I might ask the question more with reference to the sentiment among the people whom you represent toward such a union of interest.—A. The operators of the West would be very glad to see West Virginia in the movement.

Q. That is the point I wish to bring out.—A. Yes; I would not hesitate to say to an operator in Pennsylvania exactly what I think in regard to the matter, but I should not like to appear as criticising the course they pursue and the stand they take.

Q. (By Mr. KENNEDY.) Is it the cheaper labor cost in West Virginia that enables the operators to send their coal to Illinois in competition with that of Illinois?—A. That is the contention.

Q. That is one very strong reason why the operators in these Western States would like to see West Virginia in the agreement?—A. Yes.

Q. (By Mr. CLARKE.) Is it not a fact that there is considerable difference between the two coals?—A. Yes; but the scale of wages is always fixed differentially, that is to say, if there is a difference in the coal there is a difference in the mining scale. For example, the rate is much higher for the thin veins than the thick veins, although it is fixed on a competitive basis; it is not fixed at all on the earning capacity of the men, because in the northern part of Illinois if a man averaged $2.25 or $2.50 a day he would be making a fair average, while in the southern part of the State, where the veins are thick, the men of course could earn much larger wages, provided they worked as regularly as in the northern field.

Q. My question did not have reference to the thinness or the thickness of the veins or to the ease with which the coal can be mined in either, but with reference to the quality of the coal for certain uses. For example, is it not a fact that much of the West Virginia coal is more on the cannel order, and is used for household use in preference to the soft coal of Illinois?—A. Yes; I presume that is true, but I do not believe that that class of coal to which you refer is one that comes in competition with the Illinois coal. The coal that is used for steam purposes comes in competition with Illinois coal.

Q. (By Mr. KENNEDY.) Do your people understand that the Chesapeake and Ohio Railroad is giving abnormally low rates for the purpose of getting that coal into the Chicago markets?—A. It may be known, of course, to the operators, but, as I said

before, the question of the price of coal is something about which I do not concern myself at all. I purposely avoid having any part either in the fixing of the scale of wages or in determining the selling price, because I think that if I should take any part in the matter in establishing the scale of wages and mining conditions or the selling price it would be more difficult for me to deal justly and fairly when a dispute arises between the operators and miners. It is distinctly understood in our State organization that the association is to have nothing whatever to do with the selling part of the business.

Q. In reply to a question a while ago I believe it was not plain from your statement that the increased wages of the miners were put upon the consumer in the increase in the price of coal. Other witnesses at Chicago on this same subject undoubtedly said that that is where increased wages are put.—A. It is possible they are right. The advance, however, is not appreciable, except in so far as there is an advance taking place possibly in every other commodity. The cost of living is higher. There is not an article a miner buys, or anyone else, that does not cost more money than it cost before the advance in wages to which you refer. But the mere fact of the joint agreement, in my opinion, does not act in any way as a tax upon the public. On the contrary, it makes the condition of trade more stable, it establishes a fairer scale of wages, and it insures to the different operators greater safety in their business. They are enabled to operate the mines a greater number of days, and that gives to the miners steadier work and so increases the volume of business of the country. In every way the system seems to me to be a great help to the public, because upon the steady employment and upon the fair wages of the masses depends the prosperity of our country.

Q. (By Mr. LITCHMAN.) How is the expense of this commission of yours met?—A. An assessment is levied upon the tonnage of every mine in the State belonging to the association—so much for every thousand tons.

Q. What contribution comes from the workmen?—A. None whatever. They sustain their own organization.

Q. You have submitted here various printed documents. Are these supplied by your association?—A. These are supplied by our association exclusively.

Q. Are they paid for by your association?—A. Yes; they are paid for by the association of the operators.

Q. (By Mr. FARQUHAR.) You have taken quite an interest and have been personally present at quite a number of conferences here in respect to arbitration, State and national. What have you to say as to any proposition that would lead to what you would call national arbitration, as far as all manufacturing and productive interests of the country are concerned?—A. Whatever form of arbitration or conciliation we may adopt, it should be purely voluntary. It should be arbitration or conciliation within the respective industries involved. I have made a few notes on that particular phase of the subject which, maybe, it would be best for me to read.

(Reading:)

"*Need of a national organization.*—We have reached a period in industrial evolution where men on both the employer and the labor side are looking for points of agreement instead of looking, as was once the case, for differences. Under the old dispensation it was strife and war and injustice; under the new dispensation it can and will be peace, prosperity, and justice.

"Not only we here in our own land, but men all over the world, are looking for some way to remove the costly and annoying conflicts between employer and employee. We believe that plan will be found in our country, and it will be a simple, just, and effective plan. Conciliation, mediation, or arbitration should be sought, where it is at all possible, before a strike or lockout, and not afterwards. An earnest effort should always be made to settle differences and disputes as near their source as possible, and at once, before calling in outside help. The prosperity of our nation is built upon steady and profitable employment for the toiling masses. It is therefore a mutual benefit to employer and employee that wages are fair, employment steady, and conditions of life agreeable. There should be and there is no objection from intelligent sources to-day, we believe, to paying for the best service of which the laborer is capable the maximum of wages, for in no other way is the aggregate wealth of the nation so legitimately, so securely, and so fairly increased.

"Differences do not, as a rule, arise because this principle is disputed, but because employer and employee too often go about the work in a bungling and blundering way.

"By organization we must secure the services of men of experience, courage, and enthusiasm to study the needs of our times and to determine the remedy which must be supplied for the conflicts of laborers and employees best suited to different industries and for varying conditions. This work, in fact, must be delegated to a body of men trained to deal with it, for they must do what neither the busy American business man nor the workingman has the time to do himself.

"*How to prevent strikes and lockouts.*—1. Inasmuch as the laborers have organized the organization of the employer class is a prerequisite to the solution of the labor problem. Thus, two great bodies being equally matched will respect each other for reasons that must be apparent. They will be forced to maintain pleasant business relations and to adopt conciliatory methods in the treatment of all such differences and disputes as may arise.

"2. The several great industries of the country should organize to promote general plans for each industry where their interests are common. Then, if, as in the coal trade, the interests are too vast to admit of control by a single commission, then these interests should be subdivided and commissions established capable of giving them proper supervision, it being important that differences and disputes are settled as near their source as possible.

"3. Trade agreements between these organizations in the respective industries for fixed periods of time, say for one or two years, will prove, as they have proven in the bituminous coal industry, a mighty agency in promoting industrial peace. Even where the employers have not properly organized themselves into active working bodies, this system of trade agreements has proven a great benefit to both employers and employees.

"But it should be borne in mind that these organizations should deal with the labor question and with no other. To undertake to regulate prices of the different products of industry would be destruction to the system."

Q. (By Mr. FARQUHAR.) These various conferences in reference to arbitration and conciliation were originated by the Civic Federation of Chicago?—A. The National Civic Federation of Chicago. The first conference was held in Chicago on December the 17th and 18th of last year and in that the representatives of the employer and employee class participated. They were in practical accord upon the one general idea that some plan of conciliation rather than arbitration was necessary, that it should be some simple plan, and that it should be a purely business plan. The universal sentiment at that conference was that conciliation or arbitration should always precede and not follow a strike or lockout. The idea was indorsed that has been promulgated in the State of Illinois, that pending every investigation the men and works shall continue in operation.

Q. (By Mr. CLARKE.) You say conciliation should precede and not follow?—A. Yes.

Q. If it fails to precede may it not follow?—A. Certainly; but it is much preferable, much easier to settle a difficulty that has not already resulted in open conflict.

Q. (By Mr. FARQUHAR.) To those who participated in the original conference how many additions did you find at the New York conference?—A. That is extremely difficult to say, but we found at the conference at Chicago quite a number of men, prominent both in the industries of the country and in labor circles, that did not participate in the conference at New York.

Q. (By Mr. LITCHMAN.) But you found more in New York than in Chicago.—A. Yes; there were men present at New York who were not present at Chicago.

Q. (By Mr. FARQUHAR.) You said very distinctly in your paper and remarks there that you believe it is trade conciliation and arbitration?—A. Yes.

Q. Has your conference taken a step beyond that in reaching toward compulsory arbitration?—A. It has opposed compulsory arbitration.

Q. Opposed it?—A. Yes.

Q. You have quite an experience in coal mining, do you think it is the natural way for these matters of conciliation or arbitration to be entirely in the trade affected and the persons affected?—A. To me it seems natural and best.

Q. So you do not look with much favor on State boards of arbitration made up of men who know nothing of the trade conditions or the technicality of the business?—A. I do not. In the first place, unless under State arbitration the decrees of the board can be enforced they are practically of no value. They are not respected as arbitration is respected where it has been rendered by individuals who are unofficial, who do not act in any official capacity, but who understand the industry involved and its conditions. Take, for example, the State of Illinois. During the past year there has not been a single case referred to the State board of arbitration. They have endeavored to exercise, and have exercised their influence for conciliation, but if, for example, a coal operator was willing to submit a case for arbitration, a miner would not, and if a miner wanted to refer a case to that board for arbitration, the operator would not. I do not intend this as any reflection upon the present board. My criticism is upon the system itself.

Q. Now, if the policy of conciliation and arbitration was on a trade basis—the carpenters, bricklayers, etc.—could your unfortunate building strike have occurred in Chicago if that had been the means of settling these troubles?—A. I think not. It seems to me that there should be a national organization that will take in hand this whole question of conciliation or arbitration. Not that this national organization will arbitrate, always arbitrate or conciliate, but it will bring together the leaders of

thought on the side of labor and on the employers' side, and they could agree upon certain fixed principles that when once established by the leaders will be consented to by those who follow. Now, simply to give you an illustration of what I mean, the disposition of labor leaders a year ago was to encourage the sympathetic strike. I do not believe that there is a reputable leader of labor in the United States to-day who is willing to subscribe to the idea of the sympathetic strike, because it immediately invalidates these agreements that are entered into between the employer and employee. If, for example, in the coal trade, the operators and the miners made an agreement, and the carpenters in an adjoining town were on a strike, under the old system of sympathetic strike, there would be no gain at all by the operator and miner entering into an agreement, because the fact that here was a man who had a difference or dispute with his employer would immediately render void the agreement in another industry, where all conditions are perfectly satisfactory. Then, too, it seems to me, that a national organization of that sort would have the effect of determining what class of labor shall be allotted to these respective organizations. For example, the Mine Workers' Union for a number of years has endeavored to bring into their organization every man working in or about a mine. They have endeavored to bring in all the men employed on construction work, and to bring in the watchmen and hoisting engineers. Now, the watchman is and should be strictly a company man; the hoisting engineers have an organization of their own. Then the hoisting engineers have a different class of labor altogether different from that of the men performed in the mine. They are more representative of the direct interests of the company; they have so much more on their shoulders; their responsibility is so much greater that they ought not to be merged with an organization where they are possibly outnumbered 100 or 200 to 1.

Q. (By Mr. LITCHMAN). Have you gone far enough to consider a situation where one side or the other desires to have an investigation leading to conciliation, possibly to arbitration, and the other side refuses to permit such a thing? For instance, on a great line of railway, on a line of street railway the men have a grievance, or think they have—the result is the same to them whether it is real or fancied—and they ask that that grievance be investigated, and the request is peremptorily refused by the corporation. How would you reach a case like that unless you had some law that would compel the inception of conciliation?—A. I think public opinion is sufficiently potent to accomplish that.

Q. Has it been so?—A. I think so. Of course the St. Louis strike wore itself out, but in the Albany street railway strike now in progress, very likely public sentiment will force both sides to consent to conciliation or arbitration of some kind.

Q. But you have already cited the St. Louis strike, where public sentiment was certainly in favor of the men and yet the companies refused to arbitrate even to the last, and the strike was a failure. Why could there not be some power, not to compel arbitration, but to compel the inception of the conciliation, at least to the extent of an inquiry into the rights or wrongs of the dispute?—A. No doubt there should be some way of instituting the inquiry, but to compel arbitration——

Q. (Interrupting.) I am not asking you that. I am asking now in the quasi public corporations?—A. Yes.

Q. Where there are three sides to the dispute, the men employed, the people who employ, and the public at large. The only recourse now is to strike, if one side or the other refuses to conciliate?—A. I take it that some law will be necessary where corporations are concerned which have public functions to perform, for instituting inquiry into the cause.

Q. You see no harm, then, in a law of that kind?—A. No.

Q. But would not favor a law that would compel arbitration?—A. No.

Q. I wanted to draw that distinction, that is all?—A. I see.

Q. (By Mr. FARQUHAR.) The matter you are just discussing rests on this fact, that as a general thing the employers of labor will not recognize the unions or organized bodies of men. Don't you find that is your greatest trouble in getting these agreements, the nonrecognition of organized labor in making agreements?—A. That is the great difficulty in the matter of organization of the employer class, because a large percentage of the employers of labor are not willing to recognize organized labor.

Q. And yet, don't you think there are some business reasons why the operators of great plants or industries feel a disinclination to make the agreements because the markets of various zones, of different geographical sections, are so dissimilar that anything like a uniform scale would work harm to the community?—A. Undoubtedly.

Q. And is it not a fact that even among capitalists themselves, the owners of great industries, in stove manfacturing, or something of that kind, they have so many troubles among themselves as owners of great plants and sellers of commodities that it is almost impossible for them to reach an arrangement with the working men?—A. Yes; but in the industry to which you refer, the stove industry, they have an organization of the employer class.

Q. But before they had it they had many strikes?—A. They came with painful frequency.

Q. Was there any trade in the United States that had as many strikes as the stove molders?—A. None; that is true; they were very disastrous.

Q. But does not that enter a good deal into the difficulty of making your arrangements that you can not get the operators or the owners to agree even among themselves before they agree with the operatives?—A. Yes; for example, in the coal industry the operators have not always agreed among themselves.

Q. Is not the matter of self-interest among employers, independent of this nonrecognition of organized labor, one of the greatest difficulties in getting your agreements that you are looking for through your national organization?—A. Undoubtedly.

Q. You think it is a matter of bringing together and discussing these things that will ultimately clear the ground for the agreement between the workingman and the capitalist?—A. It is only a question of time. After these matters have been discussed with intelligence and calmness it is only a question of time when they will right themselves, and, as I said before, some simple and effective plan will be found. Now, no plan will be found that is applicable alike to all industries or to all sections, but some general principles can be laid down by the employers of labor and by organized labor jointly that will have the effect which we desire.

There is one thing I neglected to say in speaking of the Illinois plan which perhaps I had better submit now. That is this, that the last clause of the existing agreement provides—and we found that this had a very wholesome effect—that "There shall be no demands made locally that are not specifically set forth in this agreement, except as agreed to in joint subdistrict meetings held prior to May 1, 1901. Where no subdistricts exist local grievances shall be referred to the United Mine Workers' State executive board and the mine owners interested."

(Testimony closed.)

EXHIBIT A.

Illinois agreement as to mining prices and conditions for the scale year ending March 31, 1902, between the Illinois Coal Operators' Association and United Mine Workers of Illinois.

AGREEMENT.

Whereas a contract between the operators of the competitive coal fields of Pennsylvania, Ohio, Indiana, and Illinois and the United Mine Workers of America has been entered into at the city of Columbus, Ohio, February 9, 1901, by which the present scale of prices at the basic points as fixed by the agreement made in Indianapolis, Ind., February 2, 1900, is continued in force and effect for 1 year from April 1, 1901, to March 31, 1902, inclusive; and

Whereas this contract fixes the pick mining price of bituminous mine-run coal at Danville at 49 cents per ton of 2,000 pounds. Therefore be it

Resolved, That the prices for pick-mined coal throughout the State for 1 year beginning April 1, 1901, shall be as follows:

FIRST DISTRICT.

	Cents.
Streator, Clarke City, and associated mines, including Tolnea thick vein	58
Third vein and associated mines, including 24 inches of brushing	76
Wilmington and associated mines, including Bloomington thin vein, including brushing	81
Bloomington thick vein	71
Pontiac, including 24 inches of brushing	81
Pontiac top vein	58
Cardiff long wall	81

NOTE.—An additional 10 cents per ton shall be paid in all such places where the weight does not force the mining, until July 1, 1901. In other respects, Wilmington conditions shall prevail.

Marseilles and Seneca: Price to be determined by Messrs. Justi and Russell and become a part of this contract.

SECOND DISTRICT.

Danville, Westville, Grape Creek, and associated mines in Vermilion County	49

THIRD DISTRICT.

	Cents.
Springfield and associated mines	49.7
Lincoln and Niantic	53
Colfax	53

FOURTH DISTRICT.

Mines on C. and A. south of Springfield, to and including Carlinville; including Taylorville, Pana, Litchfield, Hillsboro, Witt (Paisley), Divernon, and Pawnee.	49

NOTE.—The foregoing scale, in so far as it relates to the Pana mines, is effective subject to modification by joint action of the State executive boards of the United Mine Workers and the Illinois Coal Operators' Association. A joint commission, consisting of three men to be appointed by the Illinois Coal Operators' Association and three men appointed by the United Mine Workers, shall convene at Pana prior to April 1, 1901, and shall give a full hearing to all parties in interest, and as soon thereafter as practicable shall report their findings and recommendations, upon which there shall be a joint meeting of the executive committees of the two associations and suitable action taken based upon such findings and recommendations: *Provided*, that in case no change is jointly agreed upon by the executive committees of both associations the Pana scale as herein fixed shall be effective for the scale year.

Assumption long wall, under regulations of third-vein field	65½
Moweaqua, room and pillar	53
Mount Pulaski, room and pillar	66
Decatur, present conditions	64

FIFTH DISTRICT.

Glen Carbon, Belleville, and associated mines, to and including Pinckneyville, Willisville, and Nashville	49
Coal 5 feet and under	54

SIXTH DISTRICT.

Du Quoin, Odin, Sandoval, Centralia, and associated mines	45
Salem and Kinmundy	50
Kinmundy, long wall, under third-vein regulations	65

SEVENTH DISTRICT.

Mount Vernon	50
Jackson County	45

(All coal 5 feet and under 5 cents extra. Price for lower bench coal to be adjusted by Messrs. Justi and Russell and become a part of this contract.)

Saline County	45
Williamson County	42

Gallatin County (price to be determined by Thomas Jeremiah and T. J. Armstrong, and become a part of this contract).

EIGHTH DISTRICT.

Fulton and Peoria counties, thin or lower vein (third-vein conditions)	76
Fulton and Peoria counties, No. 5 vein	56
Astoria, No. 5 vein (Fulton and Peoria counties conditions)	56

Pekin (price of 60 cents per ton with Fulton and Peoria counties conditions to be in force for 90 days from April 1, 1901, during which time a record is to be kept to determine cost of removing dirt, etc. Should this rate be found to work a hardship it shall be readjusted; if it transpires that it is equitable it shall continue during the life of this agreement).

Gilchrist and Wanlock	60

Cable, Sherrard, and Blossomburg (price to be determined by a committee composed of President Russell and two representatives of the United Mine Workers and Commissioner Justi and two operators, and become a part of this contract).

Kewanee and Etherly (price to be determined by Messrs. Russell and Justi, and become a part of this contract).

NINTH DISTRICT.

	Cents.
Mount Olive, Staunton, Gillespie, Clyde, Sorento, and Coffeen, and mines on the Vandalia line as far east as and including Smithboro, and on the B. and O. S.-W. as far east as Breese	49
Coal 5 feet and under	54

Deficient work at Smithboro to be referred back for local settlement.

First. The Columbus convention having adopted the mining and underground day-labor scale in effect April 1, 1900, as the scale for the year beginning April 1, 1901, no changes or conditions shall be imposed in the Illinois scale for the coming year that increase the cost of production of coal in any district in the State, except as may be provided.

Second. No scale of wages shall be made by the United Mine Workers for mine manager, mine manager's assistant, top foreman, company weighman, boss drivers, night boss, head machinist, head boiler maker, head carpenter, night watchmen, hoisting engineers. It being understood that "assistant" shall apply to such as are authorized to act in that capacity only. The authority to hire and discharge shall be vested in the mine manager, top foreman, and boss driver. It is further understood and agreed that the night watchman shall be exempt when employed in that capacity only.

Third. Any operator paying the scale rate for mining and day labor under this agreement shall at all times be at liberty to load any railroad cars whatever, regardless of their ownership, with coal, and sell and deliver such coal in any market and to any person, firm, or corporation that he may desire.

Fourth. The scale of prices for mining per ton of 2,000 pounds run-of-mine coal herein provided for, is understood in every case to be for coal free from slate, bone, and other impurities, loaded in cars at the face, weighed before screening; and that the practice of pushing coal by the miners shall be prohibited.

Fifth. (*a*) Whether the coal is shot after being undercut or sheared by pick or machine, or shot without undercutting or shearing, the miners must drill and blast the coal in accordance with the State mining law of Illinois, in order to protect the roof and timbers in the interest of general safety. If it can shown that any miner persistently violates the letter or spirit of this clause, he shall be discharged.

b. The system of paying for coal before screening was intended to obviate the many contentions incident to the use of screens and was not intended to encourage unworkmanlike methods of mining and blasting coal or to decrease the proportion of screened lump, and the operators are hereby guaranteed the hearty support and cooperation of the United Mine Workers of America in disciplining any miner who from ignorance or carelessness or other cause fails to properly mine, shoot, and load his coal.

Sixth. In case slate, bone, sulphur, or other impurities are sent up by the miner it shall be the duty of the trimmer of the car to call the attention of the weighman and check weighman to the same, and the miner so offending shall for the first offense be suspended for 1 day or fined $1; for the second offense he shall be suspended for 3 working days or fined $2; for the third and each subsequent offense occurring in any one month he shall be suspended, discharged, or fined $4: *Provided*, That in malicious or aggravated cases, the operator shall have the right to suspend or discharge for the first or any subsequent offense. Any miner abusing or seeking to embarrass the trimmer for performing his duty shall be fined $3 or discharged. The proceeds of all fines to be paid into the check weighman's fund. Under no circumstances shall fines be remitted or refunded.

Seventh. The miners of the State of Illinois are to be paid twice a month, the dates of pay to be determined locally, but in no event shall more than one-half month's pay be retained by the operator. When the men locally so demand, statements will be issued to all employees not less than 24 hours prior to pay day. No commissions will be charged for money advanced between pay days, but any advances between pay days shall be at the option of the operator.

Eighth. The price for powder per keg shall be $1.75—the miners agree to purchase their powder from their operators, provided it is furnished of standard grade and quality, that to be determined by the operators and expert miners jointly where there is a difference.

Ninth. The price for blacksmithing for pick mining shall be six-tenths of a cent per ton for room and pillar work and 12½ cents per day per man, or 25 cents per month for long wall for pick and drill sharpening.

Tenth. It is understood that there is no agreement as to the price of oil.

Eleventh. The inside day wage scale authorized by the present agreements, i. e., the Columbus scale of 1898, plus an advance of 20 per cent, shall be the scale under this agreement; but in no case shall less than $2.10 be paid for drivers.

Twelfth. The above scale of mining prices is based upon an 8-hour work day, and is it definitely understood that this shall mean 8 hours work at the face, exclusive

of noon time, 6 days a week, or 48 hours in the week, provided the mine desires to work, and no local ruling shall in any way affect this agreement or impose conditions affecting the same.

Any class of day labor may be paid at the option of the operator for the number of hours and fractions thereof actually worked, at an hour rate based on one-eighth of the scale rate per day: *Provided, however,* That when the men go into the mine in the morning they shall be entitled to 2 hours' pay whether the mine hoists coal 2 hours or not, except in the event that they voluntarily leave their work during this time without the consent of the operator, they shall forfeit such 2 hours' pay: *Provided, further,* That overtime by day laborers, when necessary to supply railroad chutes with coal by night or Sunday, where no regular men therefor are exclusively employed, or when necessary in order not to impede the operation of the mine the day following, and for work which can not be performed or completed by the regular shift during regular hours without impeding the operation of the mine, may be performed and paid for at the same rate per hour.

Thirteenth. (*a*) The duties of the pit committee shall be confined to the adjustment of disputes between the pit boss and any of the members of the United Mine Workers of America working in and around the mine, for whom a scale is made, arising out of this agreement or any subdistrict agreement made in connection herewith, where the pit boss and said miner or mine laborer have failed to agree.

(*b*) In case of any local trouble arising at any shaft through such failure to agree between the pit boss and any miner or mine laborer, the pit committee and the miners' local president and the pit boss are empowered to adjust it; and in the case of their disagreement it shall be referred to the superintendent of the company and the president of the miners' local executive board, where such exists, and shall they fail to adjust it—and in all other cases—it shall be referred to the superintendent of the company and the miners' president of the subdistrict; and should they fail to adjust it, it shall be referred in writing to the officials of the company concerned and the State officials of the United Mine Workers of America for adjustment; and in all such cases the miners and mine laborers and parties involved must continue at work pending an investigation and adjustment until a final decision is reached in the manner above set forth.

(*c*) If any day men refuse to continue at work because of a grievance which has or has not been taken up for adjustment in the manner provided herein, and such action shall seem likely to impede the operation of the mine, the pit committee shall immediately furnish a man or men to take such vacant place or places at the scale rate, in order that the mine may continue at work; and it shall be the duty of any member or members of the United Mine Workers who may be called upon by the pit boss or pit committee to immediately take the place or places assigned to him or them in pursuance hereof.

(*d*) The pit committee in the discharge of its duties shall under no circumstances go around the mine for any cause whatever unless called upon by the pit boss or by a miner or company man who may have a grievance that he can not settle with the boss; and as its duties are confined to the adjustment of any such grievances, it is understood that its members shall not draw any compensation except while actively engaged in the discharge of said duties. The foregoing shall not be construed to prohibit the pit committee from looking after the matter of membership dues and initiations in any proper manner.

(*e*) Members of the pit committee employed as day men shall not leave their places of duty during working hours, except by permission of the operator, or in cases involving the stoppage of the mine.

(*f*) The operator or his superintendent or mine manager shall be respected in the management of the mine and the direction of the working force. The right to hire must include also the right to discharge, and it is not the purpose of this agreement to abridge the rights of the employer in either of these respects. If, however, any employee shall be suspended or discharged by the company and it is claimed that an injustice has been done him, an investigation, to be conducted by the parties and in the manner set forth in paragraphs (*a*) and (*b*) of this section, shall be taken up at once, and if it is determined that an injustice has been done, the operator agrees to reinstate said employee and pay him full compensation for the time he has been suspended and out of employment: *Provided,* That if no decision shall be rendered within 5 days the case shall be considered closed in so far as compensation is concerned.

Fourteenth. The wages now being paid outside day labor at the various mines in this State shall constitute the wage scale for that class of labor during the life of this agreement: *Provided,* That no top man shall receive less than $1.80 per day.

Fifteenth. In the event of an instantaneous death by accident in the mine, the miners and underground employees shall have the privilege of discontinuing work for the remainder of that day, but work at the option of the operator shall be resumed the day following, and continue thereafter. In case the operator elects to

operate the mine on the day of the funeral of the deceased, individual miners and underground employees may at their option absent themselves from work for the purpose of attending such funeral, but not otherwise. And in the event that the operator shall elect to operate the mine on the day of such funeral, then from the proceeds of such day's operation each member of the United Mine Workers of America employed at the mine at which the deceased member was employed shall contribute 50 cents and the operator $25 for the benefit of the family of the deceased or his legal representatives, to be collected through the office of the company. Except in case of fatal accidents, as above, the mine shall in no case be thrown idle because of any death or funeral; but in the case of the death of any employee of the company or member of his family any individual miner may at his option absent himself from work for the sake of attending such funeral, but not otherwise.

Sixteenth. (*a*) The scale of prices herein provided shall include, except in extraordinary conditions, the work required to load coal and properly timber the working places in the mine, and the operator shall be required to furnish the necessary props and timber in rooms or working face; and in long wall mines it shall include the proper mining of the coal and the brushing and care of the working places and roadway according to the present method and rules relating thereto, which shall continue unchanged.

(*b*) If any miner shall fail to properly timber and care for his working place and such failure shall entail falls of slate, rock, and the like, or if by reckless or improper shooting of the coal in room and pillar mines the mine props or other timbers shall be disturbed or unnecessary falls result, the miner whose fault has occasioned such damage shall repair the same without compensation, and if such miner fails to repair such damage he shall be discharged.

In cases where the mine manager directs the placing of crossbars to permanently secure the roadway, then, and in such cases only, the miner shall be paid at the current price for each crossbar when properly set.

The above does not contemplate any change from the ordinary method of timbering by the miner for his own safety.

Seventeenth. The operators will recognize the pit committee in the discharge of its duties as herein specified, but not otherwise, and agrees to check off union dues and assessments from the miners and mine laborers, when desired, on the individual or collective continuous order prepared by the attorneys representing both the miners and the operators, as at present existing, and when such union dues and assessments are collected through the office, card days shall be abolished.

Eighteenth. The operators shall have the right in cases of emergency work, or ordinary repairs to the plant, to employ in connection therewith such men as in their judgment are best acquainted with and suited to the work to be performed, except where men are permanently employed for such work. Blacksmiths and other skilled labor shall make any necessary repairs to machinery and boilers.

Nineteenth. The erection of head frames, buildings, scales, machinery, railroad switches, etc., necessary for the completion of a plant to hoist coal, all being in the nature of construction work, are to be excluded from the jurisdiction of the United Mine Workers of America. Extensive repairs to or rebuilding the same class of work shall also be included in the same exception.

Twentieth. Where any employee absents himself from his work for a period of 2 days, unless through sickness or by first having notified the mine manager and obtained his consent, he shall be discharged.

Twenty-first. (*a*) Except at the basing point, Danville, the differential for machine mining throughout the State of Illinois shall be 7 cents per ton less than the pick-mining rate, it being understood and agreed that the machine-mining rate shall include the snubbing of coal either by powder or wedge and sledge, as conditions may warrant, where chain machine is used; but it is understood that this condition shall not apply where 2 men have and work in one place only in the same shift, except at the option of the miner; and it shall also be optional with the miner which system of snubbing shall be followed. The division of the machine-mining price shall be fixed by subdistricts.

(*b*) The established rates on shearing machines and air or electric drills, as now existing, shall remain unchanged during the ensuing year.

Twenty-second. Any underground employee not on hand so as to go down to his work before the hour for commencing work shall not be entitled to go below except at the convenience of the company. When an employee is sick or injured he shall be given a cage at once. When a cage load of men comes to the bottom of the shaft, who have been prevented from working by reason of falls or other things over which they have no control, they shall be given a cage at once. For the accommodation of individual employees, less than a cage load, who have been prevented from working as above, a cage shall be run midforenoon and midafternoon of each working day: *Provided, however*, That the foregoing shall not be permitted to enable men to leave their work for other than the reasons stated above.

Twenty-third. This contract is in no case to be set aside because of any rules of the United Mine Workers of America now in force or which may hereafter be adopted; nor is this contract to be set aside by reason of any provision in their national, State, or local constitutions.

Twenty-fourth. All classes of day labor are to work full 8 hours, and the going to and coming from the respective working places is to be done on the day hand's own time. All company men shall perform whatever day labor the foreman may direct. An 8-hour day means 8 hours' work in the mines at the usual working places, exclusive of noon time, for all classes of inside day labor. This shall be exclusive of the time required in reaching such working places in the morning and departing from same at night.

Drivers shall take their mules to and from the stables, and the time required in so doing shall not include any part of the day's labor; their time beginning when they reach the change at which they receive empty cars—that is, the parting drivers at the shaft bottom, and the inside drivers at the parting—and ending at the same places; but in no case shall a driver's time be docked while he is waiting for such cars at the points named. The inside drivers, at their option, may either walk to and from the parting or take with them, without compensation, either loaded or empty cars to enable them to ride. This provision, however, shall not prevent the inside drivers from bringing to and taking from the bottom regular trips, if so directed by the operator, provided such work is done within the 8 hours.

The methods at present existing covering the harnessing, unharnessing, feeding, and caring for the mules shall be continued throughout the scale year beginning April 1, 1901; but in cases where any grievances exist in respect to same they shall be referred to the subdistrict meetings for adjustment.

When the stables at which the mules are kept are located on the surface and the mules are taken in and out of the mines daily by the drivers, the question of additional compensation therefor, if any, is to be left to the subdistricts affected for adjustment at their joint subdistrict meetings.

Twenty-fifth. Mission Field scale is referred to Danville subdistrict for adjustment.

Twenty-sixth. The companies shall keep the mines in as dry a condition as practicable by keeping the water off the roads and out of the working places.

Twenty-seventh. All operators shall keep sufficient blankets, oil, bandages, etc., and provide suitable ambulance or conveyances at all mines to properly convey injured persons to their homes after an accident.

Twenty-eighth. The operators shall see that an equal turn is offered each miner, and that he be given a fair chance to obtain the same. The check weighman shall keep a turn bulletin for the turn keeper's guidance. The drivers shall be subject to whomever the mine manager shall designate as turn keeper, in pursuance hereof.

Twenty-ninth. There shall be no demands made locally that are not specifically set forth in this agreement, except as agreed to in joint subdistrict meetings held prior to May 1, 1901. Where no subdistricts exist local greivances shall be referred to the United Mine Workers' State executive board and the mine owners interested.

THE ILLINOIS COAL OPERATORS' ASSOCIATION.
O. L. GARRISON, *President.*
E. L. BENT, *Secretary.*

THE UNITED MINE WORKERS OF AMERICA, DISTRICT NO. 12.
W. R. RUSSELL, *President.*
W. D. RYAN, *Secretary.*

SPRINGFIELD, ILL., *March 11, 1901.*

EXHIBIT B.

Decision of the commission selected by the operators and miners of the Danville subdistrict to interpret the sixteenth clause of the Illinois State agreement for the scale year beginning April 1, 1901.

CHICAGO, *April 27, 1901.*

The operators and miners in the Danville subdistrict adopted an agreement for the scale year beginning April 1, 1901, in which is included the sixteenth clause of the current State agreement, as follows:

"Sixteenth. (a) The scale of prices herein provided shall include, except in extraordinary conditions, the work required to load coal and properly timber the working places in the mine, and the operator shall be required to furnish the necessary props and timber in rooms or working face. And in long-wall mines it shall include the

proper mining of the coal and the brushing and care of the working places and roadway, according to the present method and rules relating thereto, which shall continue unchanged.

"(b) If any miner shall fail to properly timber and care for his working place, and such failure shall entail falls of slate, rock, and the like, or if by reckless or improper shooting of the coal in room and pillar mines, the mine props or other timbers shall be disturbed or unnecessary falls result, the miner whose fault has occasioned such damage shall repair the same without compensation; and if such miner fails to repair such damage, he shall be discharged.

"In cases where the mine manager directs the placing of crossbars to permanently secure the roadway, then, and in such cases only, the miner shall be paid at the current price for each crossbar when properly set.

"The above does not contemplate any change from the ordinary method of timbering by the miner for his own safety."

When it came to working under the district agreement, numerous disputes arose as to what constituted ordinary and what extraordinary conditions; that is to say, what dead work should be performed by the miner without further compensation than pay for the coal sent out, or when, in the meaning of that clause, the company should assume the dead work, either by having company men perform it or allowing the miner extra compensation therefor. There was also a disagreement as to the method of shearing entry coal.

At a joint meeting of the miners and operators of the Danville subdistrict, held on April 11, and which was also attended by the State officers of the Mine Workers' Union of America, the following agreement was adopted:

"That the questions now in dispute in the Danville district, namely, the interpretation and application of the sixteenth clause of the Springfield agreement and the method of shearing the entry coal, be referred to Mr. Mitchell and Mr. Justi for settlement, and their decision shall be binding. Work at the mines shall resume and continue pending the settlement under the agreement of 1901 and now in force. In case the decision is against the operators, the miners shall be paid for the work done under protest.

"The parties herein named are to take up the matter and dispose of it at once.

"The rock down in the places at the resumption of work is to be cleaned up by the operators."

In accordance with the foregoing reference, and after giving full and careful consideration to the various contentions, we submit the following findings, together with sundry recommendations which we feel convinced will obviate most of the troubles complained of, provided both operators and miners will undertake to follow them in a spirit of fairness.

The purpose of the sixteenth clause in the State agreement was, undoubtedly, to confirm and make effective certain necessary changes or reforms of abuses which were promised the operators of the Danville district, along with the other operators of Illinois, when the interstate settlement was made at Columbus this year. At the beginning of the interstate convention the operators were asking and contending for a differential in the mining price at Danville as against competing mines in Indiana; also for the same system of mining prevailing in the other States, as well as for an equivalent machine differential. When it became apparent that an interstate agreement for another year could only be reached by substantially reaffirming the Indianapolis agreement, it developed that the Danville operators contended that their cost of producing coal had been materially increased by reason of local exactions in the way of dead work growing out of the expense of handling what the operators claimed were unnecessary falls of rock and the like. They claimed that the mine-run system had not only injured the quality of their coal by reason of the increased percentage of fine coal produced, but that it had also increased the amount of dead work to be done at the expense of the company, in that the miner in shooting down as much coal as he could without any regard to its quality or to the proportion of fine coal, brought down an excessive amount of rock and shot out an excessive number of timbers and props. This increased dead work, the result of the miner's own carelessness or unworkmanlike methods, had, by local exactions and otherwise, come to be saddled on the operators, and they could not see their way to renew the Indianapolis agreement unless they were promised some relief. This relief they contended should be such as would improve the quality of their mine-run coal and relieve them of such dead work as the miner should reasonably perform as a part of the mining price, as well as such dead work resulting in improper mining and timbering. In other words, the ordinary conditions of mining taken into account, the miner should assume, in consideration of the mining price, the necessary timbering to properly secure his working place and the ordinary amount of dead work, such as handling rock and slate, incident to the production of marketable coal; and if the miner disregarded the quality of his product and incurred an excessive amount of dead work, they contended that it was not proper that the operators should be

penalized by this imposition of unnecessary dead work, in addition to paying the miner for an inferior grade of mine-run coal.

In view of this contention on the part of the Illinois operators, and in order to obtain an agreement at Columbus, it was necessary to give them assurance that these abuses would be corrected if found to be true. When the Illinois operators met at Springfield the matter was fully discussed and clause 16 of the State agreement of 1901 was the result. It was well understood when this clause was adopted that it was intended to reform certain abuses; that the cost of producing coal in the State of Illinois should not be thereby increased, but rather reduced, and it was mutually agreed that this could be done without materially reducing the earnings of miners who did their work in a skillful and conscientious manner.

In the prosecution of our work we have scrupulously endeavored to separate ourselves entirely from the special interests which at other times we are called upon to serve, and to deal with the case submitted to us with judicial fairness. On April 23, accompanied by the State and subdistrict representatives of the United Mine Workers and representatives of the operators, we visited four different mines, viz, Himrod, Kelly's No. 2, Catlin, and Fairmont. Under the guidance of the pit committee and the mine foreman we made a personal inspection of the conditions of the working places to assist us in determining what should be properly defined as "ordinary" or "extraordinary" conditions of the roof in working places. We also secured all the information possible from the pit committees and others with whom we came to in contact. At the conclusion of our investigations, while we find it impracticable define specifically what should at all times be considered an "ordinary" or "extraordinary" condition, we feel that much of the trouble and contention has often been occasioned by antagonism between the miners working in the several mines and their respective mine foremen. If this unnecessary feeling of antagonism could be eliminated they would both be able to act with a greater degree of fairness.

We found that in some of the working places proper care had not been exercised by the miners in propping the roof; also that in some instances shots had been placed in an impracticable manner, which had resulted in timbers being unnecessarily blown out and as a consequence the roof had fallen in. In determining these matters, and disputes growing out of them, in the Grape Creek and Danville districts during the balance of the scale year, we recommend and decide that the following rules be observed:

First. That the general purpose of the clause, as set forth in the introduction to this report, be kept in mind, and that miners and operators alike assume their respective obligations thereunder in a spirit of mutual fairness and conciliation.

Second. That the miners must use good judgment in order to reduce to the minimum the number of props and timbers blown out.

Third. That the miners must use every precaution to prevent falls of rock, by placing a sufficient number of timbers in their working places.

Fourth. That whenever it is shown that props have been blown out through bad judgment or because of an impractical manner of placing the shots, the rock must be cleaned at the expense of the miner.

Fifth. That where a certain amount of slate or rock comes down with the coal in the usual and ordinary course of mining and timbering, it is and should be recognized as the usual condition in that place or room, and the miner shall handle such rock or slate without compensation other than pay for the coal; but where unusual conditions are encountered, such as faults or rolls, and unusual falls of rock or slate result in spite of proper care and precaution on the miner's part, both as to timbering and shooting, the company shall allow the miner extra compensation for handling such rock or slate, or clean it up as promptly as possible with company men; or in case the ordinary conditions of any room, by reason of an excessive amount of rock or slate coming with the coal, shall be such that an average skilled miner can not make a fair day's wage, then the company shall allow him at least enough to make up that deficiency.

Where the miner feels that rock falls should be paid for or handled by the company, as above provided, before such rock is cleared, the mine foreman should be consulted, and if it is determined that the miner is not to blame and that he is to clear such rock for extra compensation, the amount he is to receive shall be agreed upon in advance.

Sixth. Should the miner and mine foreman fail to agree, either as to the responsibility for the work or the price to be allowed in case the responsibility is agreed to be upon the company, then the pit committee shall be called in. If the pit committee and mine foreman fail to agree, either as to who should perform the work or as to the price (in case it is agreed that the work devolves upon the company) to be paid the miner for clearing such falls, work must be continued and the question referred to the subdistrict president and the commissioner of the Danville District Coal Operators' Association.

Seventh. The miners shall shoot their coal so as to produce as large a percentage of marketable lump coal as is consistent with good workmanship and practical mining skill.

Eighth. The mine foreman shall, in all cases, furnish miners with a sufficient supply of timber and cap pieces, of size and dimensions best suited for the protection of the roof in the working places.

Ninth. When the roof falls as the result of horsebacks, rolls, or other extraordinary conditions, as more particularly defined in the fifth paragraph above, which could not be held up by the exercise of care and good judgment on the part of the miner, and which can not be thrown back in a reasonable length of time, the mine foreman shall pay the miner an amount consistent with the work performed or send company men to do the work.

Tenth. In cases where timbers are blown out through no fault of the miner, and the miner can show this to have been the case, and where the indications are that the miner has used good judgment, falls of rock resulting therefrom will be cleared at the expense of the company.

In addition to the foregoing rules we would recommend in a general way that the pit committee and the mine foreman, in considering and determining questions in dispute, treat each other courteously and make an honest endeavor to reach a conclusion which will be absolutely equitable and fair to all parties in interest.

Where a miner feels that he has any claim on the company for extra compensation on account of any rock to be cleared up, the question should be taken up at once and adjusted on its merits in the manner above set forth, and the mine foreman should make a special effort to see that such claims are given prompt and fair consideration. But the mine foreman should not give any miner the option of doing such work with the understanding that the price and responsibility therefor will be determined afterwards, as this is certain to lead to contentions which can not be adjudicated as intelligently and satisfactorily as is possible where they are considered before the work has been done. In settling such disputes promptly the mine foreman should feel free to call in the pit committee, as they are the duly accredited representatives of the miners, to act for them at all times in such matters.

We have found in the course of our investigations that the present methods of shearing in entries are generally satisfactory to both miners and operators of the Grape Creek and Westville district, and therefore assume that no decision on this point is required at this time. Some modifications may be required in the present system, but it seems to us likely that such modifications can and will be determined locally by the miners and operators interested.

During our investigation, statements were exhibited by some of the coal producing companies showing a very marked increase in the cost of dead work—an increase that is not justified by any of the terms of the interstate, State, or subdistrict agreements, and if this is the result of local demands the practice should be discontinued. One of these statements supplies information covering the period between January, 1898, and April, 1901, and shows that the cost of dead work was increased in this one mine from less than 3½ cents per ton to nearly 12 cents per ton. Under such conditions it is easy to conclude that the mine and miners must soon be thrown permanently idle. We feel confident that at any mines where such burdens have been imposed steps will be taken at once to afford relief. We realize the responsibilities and duties which have been imposed upon us, as well as the almost utter impossibility of giving to miners and operators all that each could desire, but we confidently believe that the foregoing decision is designed to bring about much needed reforms, which, when inaugurated, need not impose any hardship upon either operators or miners who sincerely desire to do right.

In conclusion, we earnestly appeal to all parties in interest to proceed to apply this decision in a friendly and businesslike manner, and thus avoid friction which in the past has been so disastrous to the interests of both mine owners and mine workers.

JOHN MITCHELL,
National President United Mine Workers of America.
HERMAN JUSTI,
Commissioner the Illinois Coal Operators' Association.

SUPPLEMENTARY STATEMENT OF JOHN MITCHELL,

President United Mine Workers of America.

[Replies to written interrogatories submitted by the Industrial Commission, July, 1901.]

Q. Please describe briefly the origin of the existing system of joint annual agreements in the central bituminous coal fields, indicating previous attempts at annual agreements, and the movement which led to the system now in force.—A. The system of interstate joint conferences between the operators and representatives of the miners' organization had its origin in 1885, when an informal conference of repre-

sentatives of the operators and miners of Ohio, Indiana, the northern district of Illinois, and the western portion of Pennsylvania took place. No agreement regulating wages was entered into, but in the spring of 1886 a conference representing the same districts was held and an agreement entered into. These conferences continued each year until 1889, when as a result of the failure of the operators of southern, central, and eastern Illinois either to take part in these conferences or pay the scale of wages made for their districts, the northern operators, being unable to compete, were forced to withdraw from the interstate conference, thus causing the dissolution of the interstate joint conference movement. However, the operators and miners of Indiana and Ohio continued to meet in separate State conferences after that date.

At the close of the bituminous coal strike of 1897 an understanding was arrived at between the leading operators of the States of Illinois, Indiana, Ohio, and the western part of Pennsylvania whereby a conference of operators and miners was to be held in Chicago in the spring of 1898. This conference was attended by nearly all of the operators from the districts above named, and an agreement fixing wages and regulating the conditions of employment was entered into, and these conferences have been held in the spring of each year up to the present time, and have proved so satisfactory to both operators and miners that they are likely to continue to grow in favor for an indefinite period.

I am confident that the disastrous effects of the strike of 1897 upon the profits of the operators and the consequent sufferings on the part of the miners was the influence which prompted both these forces to adopt more conciliatory and humane methods of adjusting their differences than resort to the arbitrament of industrial war.

Q. Describe briefly the method of arriving at these joint agreements, the organization of the conference of operators and miners, the nature of the discussions, etc.—A. The methods of organizing these joint conferences and arriving at agreements are, briefly stated, as follows: The operators of the 4 districts attend, as do representatives from each mining community, or rather from each local union of the United Mine Workers of America, and after selecting a temporary chairman a committee on rules and order of business is selected, composed of an equal number of operators and miners; and after their report is made and adopted a permanent organization is formed. The rules provide that the operators and miners of each of the 4 States represented shall have an equal number of votes; that is to say, 4 votes are given the miners of each State, and 4 votes the operators of each of the 4 States, and it is mutally agreed that before any principal motion is declared carried (a principal motion being something that affects the formation of the scale or the conditions which shall govern employment), it must receive the affirmative vote of all of the miners and all of the operators. Should one State vote in the negative the motion is declared lost. If a settlement can not be effected in the general joint conference a conference scale committee, composed of 4 miners and 4 operators from each district, is selected, and the rules which govern the general conference also govern the proceedings of the scale committee. A stenographic report of the proceedings of both the general conference and the general scale committee is made, printed, and furnished to the officers of the miners' organization and to the operators. Should the general scale committee fail to reach an agreement it not infrequently happens that a subcommittee of 4 miners and 4 operators is selected from the general scale committee, and they go into executive session. No stenographic report is made, and usually an agreement is arrived at which is presented to the general scale committee, and if ratified is referred to the general joint conference for ratification there.

The scope of discussion includes everything pertaining to the cost of the production and transportation of coal to the various markets, it being a fundamental principle of our interstate movement that the scale of prices is based not upon the earning capacity of the miners alone, but principally upon the opportunity of each district to produce coal at a price which shall enable it to be sold in fair competition with every other district; that is to say, no attempt is made to make wages uniform or the earning capacity of the men equal between the different districts, or within the districts themselves, the principal object being to so regulate the scale of mining as to make the cost of production practically the same in one district that it is in another, regardless of whether or not the earnings of the miners are equal.

Q. Will you discuss the general effect of the establishment of the system upon the relations of employer and employees, upon their disposition toward one another, and upon labor disputes?—A. The establishment of this joint conference system has done much to remove the barrier which formerly existed between employer and employee. As a result of their meeting together in free and open discussion, each side having equal power, they have become more fully acquainted with each other's needs and wants and with each other's business affairs; and they have grown to know and respect one another, in some instances becoming social friends. And

strikes and lockouts have been reduced to a very great degree; in fact there are very few serious strikes either local or otherwise in any of the districts covered by our joint agreements.

Q. What has been the effect of the system on wages and general conditions of employment?—A. As a result of this conference method of adjusting differences wages have increased an average of 40 per cent in the four districts which are parts of the interstate movement, and practically the same advances have been secured for the miners of the States of Alabama, Kentucky, Tennessee, Missouri, Kansas, Iowa, Michigan, and the central part of Pennsylvania, where State joint conferences have been established between the operators and miners. By agreement, the eight hour workday has been secured in nearly all the States to which reference has just been made. The semimonthly payment of wages in cash has been established, and the size of the screens in use has been so regulated as to minimize their evil effects.

Q. What is the outlook for the future relations of employers and employees in the bituminous coal fields? In particular, what is now and what is likely to be the effect of the competition of the comparatively unorganized mining districts upon the conditions of labor in the Central States?—A. The principal disturbing feature of the coal industry which in any degree threatens the perpetuity of the peaceful relationship between operators and miners is the absence of organization or mutual understanding between the operators and the miners of the State of West Virginia. If the operators and miners of that State would join with those of all other States in perfecting agreements similar to those in force in the central competitive field, it would be safe to predict that there would never be cause for a cessation of work in the bituminous coal mines of the United States; however, I entertain strong hopes that the time is not far distant when both miners and operators of the State of West Virginia will recognize the advantage to both of adopting a more business-like method than prevails there at present, and will join the miners and the operators of other States in making their agreements, and maintaining peace and comparative tranquillity in the mining industry.

Q. Is there any provision in the present system of general agreements covering the four States for the settlement of local disputes by a central authority?—A. There is no provision in our interstate agreements which confers authority upon any central body to adjust local grievances which may arise during the life of the agreements; but in Indiana and Illinois the operators have organizations, and the operators of each of these States have a representative known as a "commissioner," whose duties and functions are very similar to those of the presidents of the district organizations of the United Mine Workers of America; and in most instances local disputes are adjusted by the commissioner of the Coal Operators' Association and the presidents of the district organizations of the United Mine Workers of America, when they can not be settled by the local mine manager and the committee of the local unions of the miners' organization. Should the commissioner and the president of the district organization of the United Mine Workers of America fail to agree, it frequently occurs that the dispute is referred to the national officers of the miners' organization and adjusted there. In portions of Ohio the operators also employ a commissioner; but in Pennsylvania and in other portions of Ohio disputes are adjusted by the employing operator and the local mine committee or the officers of the district miners' organization.

Q. State any recent changes in the conditions of mine workers in the bituminous field, with reference to such matters as company stores and tenements, use of screens, docking of coal, etc.—A. Wherever the miners' organization has become firmly established and rates of wages fixed by agreement with the operators the evils of the company store, tenements, size of screens, and dockage of coal have been considerably reduced. In fact, wherever labor organizations are strong their members refuse to be intimidated or compelled to purchase their provisions in the company stores or to live in tenement houses; and if they do deal in such stores or live in tenement houses it is because of choice rather than compulsion. However, this is not true in unorganized fields; for instance, in West Virginia the miners have the option of dealing in company stores—paying exorbitant prices for their provisions—living in tenement houses, where exorbitant rents are charged, or accepting dismissal from employment.

Q. Recent increase in membership of United Mine Workers in both bituminous and anthracite mines?—A. The growth of the United Mine Workers has been almost phenomenal. At the annual convention in January, 1897, the total membership was 11,000; in January, 1898, 25,000; in January, 1899, 54,000; in January, 1900, 91,000; in January, 1901, 189,000. The present membership is approximately 250,000.

Q. Describe briefly the conditions of the miners in the anthracite region before the strike of 1900, covering such matters as the sliding scale and its workings, the rate of wages, the irregularity of employment, company stores and tenements, charges for powder, etc.—A. It is very difficult to describe accurately the conditions

of the workers in the anthracite field prior to the strike of last fall; in fact, conditions varied very much in different collieries and between the different districts. In the Schuylkill and Lehigh districts, where one-half of all the anthracite miners are employed, their wages were based upon the price at which coal sold at tide water; that is to say, when coal sold for $5 a ton at tide water the miners who worked by the day were paid at the rate of $11.20 for a week's work. Of course, the mines did not work constantly, and as a consequence the miners who worked by the day did not receive all of the $11.20 in any one week; if the mines worked only half a week the miner received only one-half a week's pay, and so on. When the sliding-scale method of determining wages was first adopted, 25 or 30 years ago, it was regarded with favor by labor organizations at that time in existence, an agreement having been made which permitted the miners to serve on the committee with the operators to determine the price at which coal was being sold at tide water; but when the miners' organization lost its strength the companies alone determined what coal was sold for at tide water per ton, and consequently the sliding scale became an evil, as the miners had no way of knowing whether they had been treated honestly by the operators or not. So general was the dissatisfaction with this method of fixing wages that the strike of last fall was only settled by the operators agreeing to fix a stationary rate of wages, thus abolishing the sliding scale.

The condition of the miners in the anthracite district prior to the strike was, to say the least, deplorable. As a result of the policy which had been pursued by the companies for the past 25 years, nearly one-half the mining population was unable to speak the English language. The people had no confidence in one another, and in fact bitter racial prejudices existed between the various nationalities, keeping them apart and rendering them easy victims of the greed of their employers, who were permitted to overcharge the miners for everything they purchased at the company stores, where they were compelled to deal if they desired to retain their employment. Of course, many of the companies did not own stores; but all companies owned the long rows of company houses, which are unfit to live in.

Employment in the anthracite district is very irregular; in fact a less number of days is worked by the anthracite miners than by the bituminous or soft coal miners. I think that an average of 180 days per year is all that the anthracite miners have ever worked.

For many years efforts have been made by the United Mine Workers' organization to organize the anthracite miners; but so bitter was the antagonism among the men that we were unable to succeed, and as a consequence it became obvious to the officers of the United Mine Workers that conditions of employment could not be improved unless, through a strike, the miners should be aroused from their lethargy; and although the officers of the miners' organization made every honorable effort to arrange a conference with the mine operators, with the hope that an adjustment of the miners' grievances could be made without resorting to a strike, we failed utterly. The operators publicly declared and evidently believed that the anthracite mine workers could not be induced to join a strike, inasmuch as they were not organized. They claimed that they were in possession of information which showed that there were less than 14,000 organized miners in the anthracite districts, when, as a matter of fact, there were only 8,000 of them attached to our union. When the operators refused to meet the miners the miners drafted a scale of prices, which asked for a general advance of about 10 per cent; a reduction in the price of powder from $2.75 to $1.50 per keg; simimonthly payment of wages, and the abolition of truck stores.

The strike involved 140,000 men and boys and threw out of employment not less than 50,000 other tradespeople in the mining towns and at points to which anthracite coal was shipped.

The strike continued for 39 days and resulted in a victory for the miners, all their demands being conceded, excepting the official recognition of our organization. However, the companies have recognized the local mine committees and take up for adjustment any grievances the miners may have with officers of our union. This arrangement was brought about at a conference held in New York City in March of this year, and it is practically agreed that if matters move along properly during the present scale year the organization would be recognized and contracts made with it next year.

Our experience has demonstrated that the larger companies—that is, coal companies owned by railroad corporations in the anthracite field—are much more reasonable than the individual or independent operators. However, this is accounted for by the fact that the independent or individual operators are absolutely at the mercy of the railroads; they are compelled to accept whatever prices for their coal the railroad companies feel disposed to offer them, and where they ship directly to market and sell their own coal the railroad companies charge such exorbitant freight rates as to render the operation of the mines by individual operators unprofitable. It is a matter of common knowledge among the anthracite miners that the railroad companies charge 4 times as much to haul a car of anthracite coal as they would charge

to haul a car of bituminous coal the same distance, and, while the annual reports of the coal companies indicate that profits are not made—in fact, that some of the very large companies are losing money—this is easily accounted for by the fact that they have eaten up the profits of coal by charging themselves excessive freight rates; or, in other words, the system under which the railroad and coal companies work is such that they take the money that should properly be credited to the coal department of the roads and charge it up as freight rates.

The anthracite coal properties are being rapidly concentrated into the hands of a few companies. At the present time 90 per cent of the coal is owned by 7 railroads. This is fully 15 per cent more than was owned by the railroads at the time the strike took place. Since that time many of the very largest independent companies have sold their interests to the railroads, and I believe that the time is not far distant when the railroads which are financed by J. Pierpont Morgan interests will own absolutely all anthracite coal.

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